greater range than the helicopter and with better performance en route over this longer range. The cost and effectiveness comparison is not being made with highly efficient transport aircraft, but with the far less efficient helicopter in which it is admitted at the beginning that a high price is to be paid for the one characteristic of vertical flight. Further, in highly fluid situations, inability to constantly provide new runways, however short, in close proximity to moving ground forces argues in favor of V/STOL capability. There is little doubt of the existence of a need and, again, only the multitudinous variety of types which can perform this mission and their merits relative to each other and to helicopters pose a problem in the orderly sequence of development. The current triservice V/STOL transport programs—the X-19, the X-22, and XC-142 appear to represent a reasonable approach to this class of aircraft in the lower speed range appropriate to the use of turbine-propeller propulsion systems.

With respect to V/STOL fighter aircraft, the situation is somewhat different in that there are still many uncertainties concerning the utility of and the need for V/STOL fighter aircraft.

From an operations research standpoint, it is said that the crucial factor of either combat airplanes or transports relates to assumptions as to the availability of runways. Availability includes not only the question of existence of runways at the beginning of any military operations but also includes the survivability of runways during the course of military operations. The results of operational research on the relative merits of V/STOL and STOL aircraft inevitably depend to a major degree on this question. The validity of any assumptions made depends not only on the preference of the organization making the study (and this is not an inconsiderable factor) but also upon the type of warfare and the theaters of operation which are considered. It is in this respect that U.S. operations necessarily differ from those of our European allies. The United States is either actually or potentially committed to support of free governments over the entire world. The military services must consider operations in the vast underdeveloped areas of the world, as well as in the sophisticated environment of Europe. In the European theater of operations, it is clear that large numbers of short runways are available—not only those which are presently employed by the allied tactical air forces, but numerous others which could be employed should the need arise. The situation is obviously quite different when considering operations in some regions of Asia and Africa. With regard to the survivability of runways, the situation reverses itself. It is more likely that the originally available runways with a low-intensity operation in remote regions of the world will continue to be available, and it is less likely that in any major operation in Europe the originally available runways will be immediately, and certainly not continuously, available. Again, there is a vast latitude for assumptions in any operational analyses or requirements studies.

But even aside from the question of runway availability, allegedly there are many operational questions which must be answered before the military services can fully determine the military worth of V/STOL fighters and other combat aircraft, including such factors as field maintenance, supply and command, and control. We believe that sufficiently valid data on this subject can only be obtained by conducting tests with V/STOL fighter-type aircraft in an environment which simulates the operational condition which would be expected. At present it is said to be difficult to demonstrate the full potential of this concept with many of the current configurations because of limitations of propulsion systems. Nevertheless, it appears possible with existing propulsion systems or those nearing the final stages of development to plan on V/STOL fighter-type aircraft with which to gain such a meaningful operational assessment. But, in every case, the very propulsion system development that makes V/STOL attractive would also enable one to design new, more conventional fighter aircraft with greater range and payload if the requirement of vertical takeoff and landing is removed. For the same weights and mission profiles the V/STOL aircraft is heavier in gross weight than a corresponding STOL (2,000-3,000-foot takeoff and landing runs). As lightweight propulsion components are further refined and developed the point may be reached where the cost, performance, and complexity associated with vertical takeoff and landing becomes small enough that even an occasional military need for such capabilities over the entire mission spectrum and life of a fighter aircraft would justify its inclusion.

It is clear that whether our future fighter is to have a true vertical takeoff and landing capability or only an improved short takeoff and landing capability, progress in the tactical fighter field will depend on developments in lightweight turbojet and turbofan engines. Although the military services have had exploratory development and advanced development underway in this area for several years, and have participated in foreign developments in this field, it appears that the United States is now at the point where engine technology will permit development of jet engines useful in operational aircraft having performance characteristics satisfactory in terms of meeting U.S. requirements.

CONCLUSIONS

Approximately $50 million of U.S. funds have been invested in support of the British P-1127 aircraft and its related engine, the BS-53. Undoubtedly this contribution has been of great assistance to the British in gaining the leadership in V/STOL aircraft and engines. It has been said that the British are 2 years ahead of the rest of the free world in the development and production of lift and lift/cruise engines.

Over the past 14 years the Department of Defense has expended over $300 million in V/STOL aircraft programs and has yet to obtain any prototype in sufficient quantities to conduct an operational suitability evaluation.

Two Department of Defense ad hoc groups in the last 8 years have recommended that aggressive action be taken in the overall field of V/STOL technology. As late as 1960, the Perkins ad hoc group concluded that "the state of the art in V/STOL technology has advanced to the point where V/STOL aircraft capable of meeting operational requirements can be developed. The full military usefulness of V/STOL must be demonstrated through operational evaluation. Unless a program for operational suitability is initiated, the state of uncertainty that exists today will continue." Only one of the U.S. V/STOL programs is scheduled to provide a minimum number of aircraft for such a test, the XC-142, and the five programed is a very modest number for such an evaluation.

The technical feasibility of V/STOL fighter and transport type aircraft has been clearly demonstrated. A technological breakthrough in propulsion or aerodynamics is not required for the development of V/STOL aircraft with useful payload and range capabilities.

An analysis of the data presented indicates that there are valid military requirements for V/STOL transport and tactical fighter aircraft. The triservice V/STOL development program, encompassing the XC-142A, the X-19A, and the X-22A, appear to satisfy the immediate needs for aircraft to investigate the operational suitability of the transport aircraft. However, it is the subcommittee's judgment that none of the programs presently being supported by the Department of Defense are adequate to determine the operational suitability of a V/STOL fighter aircraft for close tactical support.

RECOMMENDATIONS

(1) Our primary recommendation is for the Department of Defense to proceed with the implementation of a program to develop and acquire sufficient quantities of V/STOL tactical fighter aircraft to determine the operational suitability of this type of aircraft for application to the tactical air missions of the military services.

(2) Our second recommendation, if the Department of Defense is to proceed in the direction of V/STOL implementation, is associated with the recognition that the propulsion system paces the overall V/STOL program. If V/STOL has a place in the military mission, it is imperative that development be vigorously accelerated on both a lift-cruise and a direct lift jet engine.

(3) Our third recommendation is that the military services do not overcommit themselves to the helicopter to the detriment and interests of V/STOL transport aircraft when they become available. Transport aircraft such as those being developed in the triservice V/STOL development program, if proven successful, should be considered for the forward supply mission as well as improved helicopters now under development.

SENATE

MONDAY, MARCH 22, 1965

The Senate met at 12 o'clock meridian, and was called to order by the Vice President.

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

Eternal spirit, without whose guidance our wisdom is but folly, grant, we pray Thee, these chosen representatives of a free people the grace to enter upon the waiting tasks of this new week in sincerity of purpose, with the seal of understanding charity upon their lips.

Even as we revel boastfully in the blessings which are our birthright as we walk in freedom's glorious light, open our eyes and sensitize our consciences to the glaring faults and failings which in this day of world crisis mar our democracy and blunt the impact of its world mission.

In these times of contentious emotions, save us from regarding the growing pains of democracy as fatal maladies but, rather, as forerunners of increased strength and service to yearning multitudes around this struggling earth who look to this free land for light and guidance.

We ask it in the name of the One who warns us in all our human contacts: "Judge not, that ye be not judged." Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, March 18, 1965, was dispensed with.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed a bill (H.R. 4527) to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard, in which it requested the concurrence of the Senate.

The message informed the Senate that, pursuant to section 8002 of the Internal Revenue Code of 1954, the Speaker had appointed Mr. MILLS of Arkansas, Mr. KING of California, Mr. BOGGS of Louisiana, Mr. BYRNES of Wisconsin, and Mr. CURTIS of Missouri as members of the Joint Committee on Internal Revenue Taxation, on the part of the House.

HOUSE BILL REFERRED

The bill (H.R. 4527) to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard, was read twice by its title and referred to the Committee on Commerce.

ORDER DISPENSING WITH CALL OF LEGISLATIVE CALENDAR

On request by Mr. MANSFIELD, and by unanimous consent, the call of the Legislative Calendar under rule VIII was dispensed with.

LIMITATIONS OF STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

On request of Mr. MANSFIELD, and by unanimous consent, statements during the transaction of routine morning business were ordered limited to 3 minutes.

COMMITTEE MEETINGS DURING SENATE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Committee on Commerce, the Committee on Aeronautical and Space Sciences, the Subcommittee on Permanent Investigations of the Committee on Government Operations, and the Subcommittee on Rivers and Harbors of the Committee on Public Works were authorized to meet during the session of the Senate today.

COMMITTEE SERVICE

Mr. MANSFIELD. Mr. President, I submit a resolution, and ask that it be immediately considered.

The VICE PRESIDENT. The resolution will be stated.

The legislative clerk read the resolution (S. Res. 90), as follows:

Resolved, That the Senator from Oklahoma [Mr. HARRIS] be appointed as a member of the Select Committee on Small Business in lieu of the Senator from Utah [Mr. MOSS], resigned.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following communications and letters, which were referred as indicated:

AMENDMENT OF BRETTON WOODS AGREEMENTS ACT TO AUTHORIZE AN INCREASE IN THE INTERNATIONAL MONETARY FUND QUOTA OF THE UNITED STATES

A communication from the President of the United States, transmitting a draft of proposed legislation to amend the Bretton Woods Agreements Act to authorize an increase in the International Monetary Fund quota of the United States (with an accompanying paper); to the Committee on Foreign Relations.

DISTRICT OF COLUMBIA PUBLIC HIGHER EDUCATION ACT OF 1965

A communication from the President of the United States, transmitting a draft of proposed legislation to establish a Board of Higher Education to plan, establish, organize, and operate a public community college and a public college of arts and sciences in the District of Columbia, and for other purposes (with an accompanying paper); to the Committee on the District of Columbia.

REPEAL OF CERTAIN ACTS RELATING TO CONTAINERS FOR FRUITS AND VEGETABLES

A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to repeal certain acts relating to containers for fruits and vegetables, exportation of tobacco plants and seed, naval stores and wool, and for other purposes (with an accompanying paper); to the Committee on Agriculture and Forestry.

VALIDATION OF CERTAIN PAYMENTS MADE TO EMPLOYEES OF THE FOREST SERVICE

A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to validate certain payments made to employees of the Forest Service, U.S. Department of Agriculture (with accompanying papers); to the Committee on Agriculture and Forestry.

REPORT ON OVEROBLIGATIONS OF APPROPRIATIONS

A letter from the Secretary of Agriculture, reporting, pursuant to law, on the overobligations of certain appropriations in that Department; to the Committee on Appropriations.

REPORT ON CERTAIN SHIPMENTS INSURED BY THE FOREIGN CREDIT INSURANCE ASSOCIATION AND THE EXPORT-IMPORT BANK

A letter from the Assistant Secretary, Export-Import Bank of Washington, Washington, D.C., reporting, pursuant to law, on shipments to Yugoslavia insured by that Bank, for the month of February 1965; to the Committee on Appropriations.

PUBLICATION OF NOTICE OF PROPOSED DISPOSITION OF CERTAIN NATURAL RUBBER

A letter from the Acting Administrator, General Services Administration, Washington, D.C., transmitting, pursuant to law, a copy of a notice to be published in the Federal Register of a proposed disposition of approximately 620,000 long tons of surplus natural rubber now held in the national stockpile (with an accompanying paper); to the Committee on Armed Services.

REPORT ON VOLUNTARY HOME MORTGAGE CREDIT PROGRAM

A letter from the Administrator, Housing and Home Finance Agency, Washington, D.C., transmitting, pursuant to law, a report on the Voluntary Home Mortgage Credit Program, for the calendar year 1964 (with an accompanying report); to the Committee on Banking and Currency.

REPORTS ON ACTIVITIES AND TRANSACTIONS UNDER MERCHANT SHIPS SALES ACT OF 1946

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report on the activities and transactions under the Merchant Ship Sales Act of 1946, for the 3-month period ended December 31, 1964 (with an accompanying report); to the Committee on Commerce.

PROPOSED LEGISLATION RELATING TO DISTRICT OF COLUMBIA

A letter from the President, Board of Commissioners, District of Columbia transmitting a draft of proposed legislation to require the registration of pistols in the District of Columbia, and for other purposes (with an accompanying paper); to the Committee on the District of Columbia.

A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to authorize the Commissioners of the District of Columbia to return released prisoners to their residences or to such other places within the United States as may be authorized by the Director of the Department of Corrections (with an accompanying paper); to the Committee on the District of Columbia.

A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to extend the penalty for assault on a police officer in the District of Columbia to assaults on employees of penal and correctional institutions and places of confinement of juveniles of the District of Columbia (with an accompanying paper); to the Committee on the District of Columbia.

A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to establish in the Treasury of the United States a permanent working fund for District of Columbia public building construction services, and for other purposes (with an accompanying paper); to the Committee on the District of Columbia.

REPORT ON PROPOSED INCREASES IN QUOTAS OF THE INTERNATIONAL MONETARY FUND

A letter from the Secretary of the Treasury, Chairman, National Advisory Council on International Monetary and Financial Problems, transmitting, for the information of the Senate, a special report on proposed increases in quotas of the International Monetary Fund, dated March 1965 (with an accompanying report); to the Committee on Foreign Relations.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on unnecessary costs to the Government in the leasing of electronic data processing systems by the Westinghouse Electric Corp., Defense and Space Center, Baltimore, Md., Department of Defense, dated March 1965 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on excess inventory of spare lighted-type buoy bodies, U.S. Coast Guard, Treasury Department, dated March 1965 (with an accompanying report); to the Committee on Government Operations.

AMENDMENT OF FEDERAL FIREARMS AND NATIONAL FIREARMS ACTS

A letter from the Secretary of the Treasury, transmitting drafts of proposed legislation to amend the Federal Firearms and National

Firearms Acts, which, with the accompanying papers, and by unanimous consent, was referred to the Committee on the Judiciary.

REPORT RELATING TO VISA PETITIONS ACCORDING FIRST PREFERENCE CLASSIFICATION TO CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports concerning visa petitions approved according the beneficiaries of such petitions first preference (with accompanying papers); to the Committee on the Judiciary.

PROPOSED AMENDMENT OF CERTAIN LEGISLATION

A letter from the Chairman, U.S. Atomic Energy Commission, Washington, D.C., transmitting a proposed amendment to the bill (S. 700) authorizing fiscal year 1966 appropriations for that Commission (with an accompanying paper); to the Joint Committee on Atomic Energy.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the VICE PRESIDENT:

A joint resolution of the Legislature of the State of California; to the Committee on Commerce:

"CHAPTER —

"Assembly Joint Resolution 7—Relative to memorializing Congress to enact legislation on the protection, enhancement, and improvement of salmon and anadromous fish

"Whereas the salmonoid and anadromous fish of California are vital natural assets of great economic value which have been illused by man's manipulation and depredation of the habitat; and

"Whereas great efforts have been made to end the long decline of salmon in California water; and

"Whereas increased facilities are yet needed to provide the maximum effort in rehabilitating the once-great salmon resources of California; and

"Whereas the salmon, because it is a marine resource fished by commercial and sport fishermen of several States, is, in part, an interstate concern: Now, therefore, be it

"Resolved by the Assembly and Senate of the State of California (jointly), That the legislature memorializes the Congress of the United States to enact legislation on the protection, enhancement and improvement of salmon and anadromous fish, so that the Federal Government can participate in efforts to preserve and enhance this vital resource; and be it further

"Resolved, That the chief clerk of the assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Foreign Relations:

"CHAPTER —

"Assembly Joint Resolution No. 5—Relative to erecting a fence in San Diego County along the international border

"Whereas, as hereinafter described, a rabies epidemic necessitates the erection of a dogproof fence in the westerly part of San Diego County along the international border between Mexico and the United States; and

"Whereas, since September 1962, when rabies first appeared in the southern part of San Diego County and in Tijuana, Mexico, there have been 173 laboratory-identified rabies cases in San Diego County and Tijuana and countless human as well as animal exposures to these 173 cases of rabies; and

"Whereas, rabies is a virus infection of the brain and spinal cord capable of infecting the human and animal population in San Diego County and elsewhere; and

"Whereas, effective rabies control requires immunization of dogs and the elimination of stray and street dogs and although there has been an effective program of immunization of dogs in San Diego County there is a continuing immigration of stray dogs from Tijuana, Mexico; and

"Whereas, an uncontrolled rabies epidemic exists in the northern border area of Baja California in Mexico, and from January 1964, through September 1964, there were 68 clinically diagnosed cases of rabies in dogs in the Tijuana area and 142 persons receiving treatment in Tijuana; and

"Whereas, the majority of cases of laboratory-confirmed rabies in San Diego County have been found at San Ysidro; indicating that the rabies problem in San Diego County directly relates to, and reflects, the spillover from the Tijuana focus of the disease; and

"Whereas, only a part of the San Diego County international boundary is adequately fenced with dogproof fencing, and there is literally no barrier to the passage of dogs from Mexico into San Diego County, United States of America; and

"Whereas, a dogproof fence from the Pacific Ocean to a point 12 miles to the east along the international boundary would effectively bar the passage of rabid dogs into the most populous parts of San Diego County and elsewhere from Mexico; and

"Whereas, the control of the United States-Mexican border is within the jurisdiction of many Federal agencies, including but not limited to the International Boundary and Water Commission, the U.S. Immunization and Naturalization Service, the Department of Agriculture, the Public Health Service, and the Department of Health, Education, and Welfare; and

"Whereas, there is existing legislation that authorizes these agencies to erect fences along the United States-Mexican border (22 U.S.C. 2778, International Boundary Commission; 21 U.S.C. 141, Department of Agriculture; Public Law 88-245, appropriation for Immunization and Naturalization Service; 42 U.S.C. 264, Public Health Service): Now, therefore, be it

"Resolved by the Assembly and Senate of the State of California (jointly), That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to construct a dogproof fence in San Diego County, Calif., along the international border between the United States and Mexico, in order to eliminate the incidents of rabid dogs crossing this border, and thereby alleviate the rabies epidemic in San Diego County, Calif.; and be it further

"Resolved, That the chief clerk of the assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A resolution of the Legislature of the State of California; to the Committee on Public Works:

"CHAPTER —

"Assembly Joint Resolution No. 8—Relating to coordination of disaster relief

"Whereas the unprecedented damage caused in California by the disastrous floods in December 1964 and January 1965 requires the utmost effort of all persons concerned in the repair and replacement of vital facilities and the cleanup of the debris with an absolute minimum of duplication both because of the economy possible in single coordinated efforts and the fact that if there is no unnecessary duplication this can free persons to carry on some other work; and

"Whereas with not only various local and State levels of government involved in this monumental task but also many Federal agencies directly active in this area, a coordinated plan is essential to an efficient operation; and

"Whereas in a disaster of this magnitude the damage is so extensive and covers so many areas that often the usual divisions of governmental responsibility are not applicable: Now, therefore, be it

"Resolved by the Assembly and Senate of the State of California (jointly), That all Federal agencies involved in the rehabilitation and repair in the area of the floods, including but not limited to, the U.S. Corps of Engineers, the Bureau of Reclamation, U.S. Fish and Wildlife Service, Bureau of Land Management, and U.S. Forest Service are requested to develop a coordinated plan for their activities in this regard, including coordination with the appropriate California State agencies; and be it further

"Resolved, That these agencies are requested to also develop a coordinated plan under which damage and injury from further storms and floods can best be prevented or minimized and to be followed in operations after any future disaster; and be it further

"Resolved, That the chief clerk of the assembly is directed to transmit a copy of this resolution to the President and Vice President of the United States, Speaker of the House of Representatives, to the Secretary of the Department of the Interior, Secretary of Agriculture, U.S. Corps of Engineers, Bureau of Reclamation, U.S. Fish and Wildlife Service, U.S. Bureau of Land Management and U.S. Forest Service, and to each Senator and Representative from California in the Congress of the United States."

Two joint resolutions of the Legislature of the State of Maine; to the Committee on Agriculture and Forestry:

"Joint resolution requesting Members of Congress to support the agricultural conservation program and the Soil Conservation Service

"Whereas the preservation of the soils, water, forests, and wildlife of this Nation, and in particular the topsoil, is necessary; and

"Whereas we believe the preservation of these resources is a responsibility of all people; and

"Whereas farmers and landowners through conservation practices have made Maine a far more beautiful State for both rural and urban people to enjoy; and

"Whereas the agricultural conservation program and the technical assistance provided the landowners of Maine by the Soil Conservation Service are a vital link in the overall natural resource conservation movement through the State; and

"Whereas for the past 30 years the U.S. Department of Agriculture, through the agricultural conservation program and the Soil Conservation Service, has done much to maintain and improve these resources, and make landowners and society in general more conscious of the need for such preservation; and

"Whereas during this period some 25,000 Maine farmers and landowners have put to good use the many conservation practices of the agricultural conservation program; and

"Whereas in carrying out these practices Maine farmers and landowners are now more than matching Government funds dollar for dollar; and

"Whereas through the medium of agricultural conservation program, farmer-elected committeemen, and soil conservation district supervisors throughout the State, farm leadership has been developed to a most helpful degree; and

"Whereas we believe that farmers, particularly through this defense period, should not be forced to exploit their soils in the production of the additional food and fiber needed; and

"Whereas we firmly believe that such would become a necessity should funds to operate the agricultural conservation program and the Soil Conservation Service be curtailed: Now, therefore, be it

"Resolved by the 102d legislature, That the Congress of the United States be respectfully urged to give the necessary and adequate support to the continuance of the agricultural conservation program and the Soil Conservation Service; and be it further

"Resolved, That Maine Senators, EDMUND S. MUSKIE and MARGARET CHASE SMITH, and the State Representatives in Congress, WILLIAM D. HATHAWAY and STANLEY R. TUPPER, be asked to give their wholehearted support to the agricultural conservation program, and to vote to continue the annual national appropriation of $250 million for the agricultural conservation program, and to restore the recommended cut of $20 million in Soil Conservation Service funds; and be it further

"Resolved, That an adequate amount be set aside from such appropriation to make it possible to administer the program through the present system of farmer-elected committeemen; and be it further

"Resolved, That the secretary of state be directed to transmit duly attested copies of this resolution to the President of the United States, to the Vice President of the United States, to the Speaker of the House of Representatives, to the chairmen of the Senate and House Committees on Agriculture, to the chairmen of the Senate and House Committees on Appropriations, to the Secretary of Agriculture, and to the Maine congressional delegation.

"EDWIN H. PERT,
"Secretary.
"JEROME G. PLANTE,
"Clerk."

"Joint resolution proposing abolition of futures trading of potatoes on the New York Merchantile Exchange by the Congress of the United States

"We, your memorialists, the Senate and House of Representatives of the State of Maine in the 102d legislative session assembled, most respectfully present and petition your honorable body as follows:

"Whereas the Constitution of the United States provides that the Congress may regulate commerce among the several States; and

"Whereas potatoes are now traded in futures contracts on the New York Mercantile Exchange, 6 Harrison Street, New York, N.Y.; and

"Whereas the price at which future contracts are bought and sold has a direct and immediate effect on cash prices received by producers for potatoes in Maine and all other areas producing potatoes for market; and

"Whereas futures prices reflect the effects of manipulation and unlimited speculation to the detriment of producers of potatoes; and

"Whereas futures trading of potatoes obstructs all attempts of Maine potato producers to market their product in an orderly fashion; and

"Whereas futures trading of potatoes encourages overproduction in Maine and all other producing areas with resulting disastrously low prices for the producer; and

"Whereas experience has proven that futures trading can be carried on without detrimental and depressing effect on price only in the case of those commodities which can be stored for extensive periods of time within the areas of production or the areas of marketing and distribution; and

"Whereas Irish potatoes are a perishable commodity that do not lend themselves to extended periods of storage, especially following preparation for market; and

"Whereas Irish potatoes historically are one of the most volatile commodities in terms of price range and in degree of sensitivity to myriad market factors, including total volume produced, anticipated production, available supply on track and in the marketplaces, as well as many others; and

"Whereas many areas of production have vehemently registered their opposition to the continued trading of Irish potatoes futures, either with or without the supervision of the Commodity Exchange Authority of the USDA, and producers in Maine, by mail ballot, have voted overwhelmingly in favor of abolishing futures trading in Maine potatoes; and

"Whereas the Congress of the United States has already established a precedent for the action to be proposed by this resolution in the instance of another perishable commodity; namely, onions, leaving potatoes as the only perishable commodity now being traded on the futures market: Now, therefore, be it

"Resolved, That we, your memorialists, recommend that the Congress enact legislation abolishing futures trading in Irish potatoes upon the New York Mercantile Exchange or upon any commodity exchange; and be it further

"Resolved, That a copy of this memorial, duly authenticated by the secretary of state, be immediately transmitted by the secretary of state, by mail, to the Senate and House of Representatives in Congress and to the Members of the said Senate and House of Representatives from this State.

"EDWIN H. PERT,
"Secretary.
"JEROME G. PLANTE,
"Clerk."

A concurrent resolution of the Legislature of the State of New York; to the Committee on Labor and Public Welfare:

"Concurrent resolution of the Senate and Assembly of the State of New York memorializing the Congress of the United States to enact the necessary legislation to provide for the establishment and erection of a veterans hospital in Monroe County

"Whereas the Batavia veterans hospital is a 257-bed hospital which was originally planned, long before World War II, to take care of World War I and Spanish American War Veterans in the Buffalo-Rochester area. At that period the facility was adequate. However, since the end of World War II and the Korean conflict, with an additional 18 million veterans added to the list of those entitled to hospitalization, a hospital expansion program was essential. This resulted in the city of Buffalo getting a hospital, as well as Syracuse and Albany, Rochester being bypassed as it was assumed that the old 257-bed Batavia veterans hospital would be adequate for the needs of Rochester area veterans; and

"Whereas this is a gross inequity to Rochester area veterans as they number 100,000 in the metropolitan area (80,000 in the Rochester area) including veterans from all wars. The Batavia veterans hospital is nowhere near adequate enough for their needs. At any given time, the Batavia veterans hospital has a Rochester veteran population of 80 to 85 percent. Also many veterans in the Rochester area who must obtain a treatment not handled at Batavia, are sent to the Buffalo facility at great inconvenience. Rochester area veterans find it difficult to understand why a city of their size, the 23d in the Nation, should lack proper medical and hospital facilities freely given to communities much smaller; and

"Whereas Rochester area veterans have to journey a minimum of 38 miles to get to the Batavia hospital which creates a definite hardship on the next-of-kin who would like to visit them. The Buffalo veterans hospital is 70 miles away, which increases the hardship. The only nearby facility of a general medical nature is the Bath veterans hospital situated 75 miles away; and

"Whereas, the Batavia veterans hospital is situated in a rural county having a population of approximately 8,000, placing a veterans hospital in the Rochester area in the center of veteran population would equalize the present hospital program across the State, with a facility in Buffalo, Rochester, Syracuse, and Albany. This represents the great central population belt in this State, second only to the New York City metropolitan area itself; and

"Whereas to further justify the building of a hospital in the Rochester area is the dogmatic fact that the city is a well-known medical center which would simplify the hospital staffing problem making it easy to provide every type of medical facility currently available; and

"Whereas the bed capacity of all veteran hospitals in western New York with the exception of Canandaigua, which is neuropsychiatric, totals only 1,481 beds divided as follows: Batavia veterans hospital, 257; Bath veterans hospital, 273; Buffalo veterans hospital, 951. Of these hospitals, only Batavia is even remotely convenient (38 miles distant) and this is the smallest hospital of them all, totaling only 257 beds. When you consider that Syracuse has a 488-bed general medical hospital, and Albany has a 1,000-bed general medical hospital, it is difficult to reconcile ourselves to the fact that Rochester has no hospital whatsoever, and must depend primarily on a 257-bed hospital, 30 years old and 38 miles away; and

"Whereas the Buffalo VA hospital has all it can do to take care of its own veteran residents which number a quarter million, including Niagara Falls and adjoining towns. We do not think that this facility answers our problem at all. Where Rochester area veterans, after discharge from a VA hospital, are eligible for certain periods of outpatient treatment and medication at the hospital, they are frequently unable to avail themselves of this additional benefit due to cost and inconvenience of travel; and

"Whereas the Monroe County board of supervisors has donated enough land owned by Monroe County to the Federal Government for the purpose of establishing a VA hospital; and

"Whereas this land is close by the renowned Strong Memorial Hospital and the University of Rochester Medical School, with continually visiting specialists of the medical profession from all parts of the world who might be sufficiently interested to review any rare ailment of a veteran hospitalized: Now, therefore, be it

"Resolved, (if the senate concur), That the Congress of the United States be, and it hereby is respectfully memorialized by the legislature of the State of New York to enact legislation for the establishment, erection and maintenance of a veterans hospital in Monroe County; and be it further

"Resolved (if the senate concur), That copies of this resolution be transmitted to the Secretary of the U.S. Senate, the Clerk of the House of Representatives and to each Member of the Congress of the United States from the State of New York, and that the latter be urged to devote themselves to the task of accomplishing the purpose of this resolution.

"By order of the assembly:

"GEORGE H. VAN LENGEN,
"Secretary.
"JOHN T. MCKENNAN,
"Clerk."

A concurrent resolution of the Legislature of the State of West Virginia; to the Committee on Public Works:

"SENATE CONCURRENT RESOLUTION 24

"Memorializing the Congress of the United States to take action on the Knox Creek Dam, in Pike County, Ky., to assist in providing flood control in the Valley of the Tug Fork of the Big Sandy River in West Virginia

"Whereas the Valley of the Tug Fork of the Big Sandy River in the State of West Virginia has recently been visited by a flood disaster, which might have been averted to a marked degree by a proper system of flood control; and

"Whereas the recent flood has caused damage to the extent of at least $13 million in the Valley of the Tug Fork of the Big Sandy River; and

"Whereas other floods have occurred at great frequency during the past few years in said valley, resulting in damages to the extent of many millions of dollars; and

"Whereas the distressing conditions due to a flood tell a more powerful story than any that might be calculated in terms of the cost of a proper flood control system; and

"Whereas the U.S. Army Corps of Engineers recently issued a flood control report on the Big Sandy River and included therein information that the construction of the Knox Creek Dam in Pike County, Ky., would reduce the flood level of the Tug Fork of the Big Sandy River, and at the city of Williamson, W. Va., the reduction would be 6 feet or more; and

"Whereas the construction of said Knox Creek Dam would avert or reduce future flood damage along the Tug Fork of the Big Sandy River in West Virginia: Therefore be it

"Resolved by the senate (the house of delegates concurring therein), That the Congress of the United States is hereby requested to take such action as will bring about the immediate construction of the Knox Creek Dam in Pike County, Ky., in order to avert or lessen the consequences of another such disaster in the Valley of the Tug Fork of the Big Sandy River; and, be it

"Resolved further, That the clerk of the senate is instructed to send copies of this resolution to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States, and to each Member of Congress from this State.

"J. HOWARD MYERS,
"Clerk, Senate of West Virginia."

The petition of Ohio Bell, of Chicago, Ill., praying for a redress of grievances; to the Committee on Armed Services.

A resolution adopted by the Nashwauk Retired Men's Club, of Nashwauk, Minn., relating to a reduction in taxes for persons over the age of 65; to the Committee on Finance.

A letter in the nature of a memorial from the Law Abiding Citizens of the United States of America, of Garwood, N.J., signed by M. Soskin, remonstrating against the actions of a group called "American Council for Judaism" in the case of immigrants in transit to Israel; to the Committee on Foreign Relations.

A resolution adopted at a mass meeting of Americans of Lithuanian descent held in Los Angeles, Calif., relating to the 712th anniversary of the founding of the Lithuanian kingdom, and the 47th anniversary of the establishment of the Republic of Lithuania; to the Committee on Foreign Relations.

A resolution adopted at the southern regional convention of the Junior Statesmen of America, Santa Barbara, Calif., relating to the recitation of the pledge of allegiance to the flag in public schools; to the Committee on the Judiciary.

A letter from Virginia Y. Collins, of New Orleans, La., transmitting a copy of a petition for redress of grievance, signed by sundry citizens, relating to the right to vote; to the Committee on the Judiciary.

A resolution adopted by the Council of the City of Philadelphia, Pa., commending the President of the United States on his message to Congress relating to crime; to the Committee on the Judiciary.

By Mr. McGOVERN:

A concurrent resolution of the Legislature of the State of South Dakota; to the Committee on Interior and Insular Affairs:

"SENATE CONCURRENT RESOLUTION 10

"Concurrent resolution memorializing the Congress of the United States to direct the Area Redevelopment Administration of the U.S. Department of Commerce and the Bureau of Mines and Office of Minerals Exploration of the Department of the Interior of the United States to undertake a study of the feasibility of establishing metallurgical research operations and to explore mineral resources in the Black Hills of South Dakota

"Whereas the Black Hills of South Dakota are abundant in precious minerals and nonferrous metals and that these natural resources should be mined and processed; and

"Whereas, that during the early history of the State of South Dakota, a great interest was shown in mining and great wealth was produced as a result of taking ores from the ground; and

"Whereas the Black Hills of South Dakota is an area that needs a redeveloping and a rebirth of her once tremendous mining industry; and

"Whereas a study of the feasibility of establishing metallurgical research operations could result in a plant being constructed in the Black Hills of South Dakota creating job opportunity and industrial development; and

"Whereas valuable mineral resources are known to exist in the Black Hills of South Dakota, the extent and exact location of which could be determined by the Office of Minerals Exploration of the Department of the Interior of the United States; and

"Whereas it is anticipated that the results of such a study will be of great economic benefit to South Dakota and its people; now, therefore, be it

"Resolved, by the Senate of the State of South Dakota (the House of Representatives concurring therein), That the Congress of the United States be, and is, memorialized to direct the Area Redevelopment Administration of the U.S. Department of Commerce and the Bureau of Mines and Office of Minerals Exploration of the Department of the Interior of the United States to undertake a study of the feasibility of establishing metallurgical research operations and to explore mineral resources in the Black Hills of the State of South Dakota; and be it further

"Resolved, That copies of this resolution be transmitted to the Vice President of the United States, the Speaker of the House of Representatives of the United States, the Members of the congressional delegation from South Dakota, the Area Redevelopment Administration of the U.S. Department of Commerce, the Secretary of the U.S. Department of Commerce, the Secretary of the Interior of the United States, the Bureau of Mines of the Department of Interior of the United States, the Office of Minerals Exploration of the Department of the Interior of the United States, and to the Industrial Development Expansion Agency, Pierre, S. Dak.

"CHARLES DROZ,
"Speaker of the House.

"Attest:

"WALTER J. MATSON,
"Chief Clerk.

"LEM OVERPECK,
"President of the Senate.

"Attest:

"NIELS P. JENSEN,
"Secretary of the Senate."

IOWA GENERAL ASSEMBLY CONCURRENT RESOLUTION ON SITUATION IN SELMA

Mr. MILLER. Mr. President, I have received a concurrent resolution from the Iowa General Assembly relating to the situation in Selma, Ala., and the various acts of discrimination which have occurred there and elsewhere.

I ask unanimous consent that the resolution be printed at this point in the RECORD, and appropriately referred.

There being no objection, the concurrent resolution was referred to the Committee on the Judiciary, as follows:

HOUSE CONCURRENT RESOLUTION 17

Whereas citizens of the United States in peaceful assembly have been the victims of physical brutality, scourged with night sticks, tear gas, and whips, to enforce Governor Wallace's ban against a protest march from Selma to Montgomery, Ala.; and

Whereas at least 35 men and women suffering from the effects of this horrendous police brutality are now hospitalized; and

Whereas this march was organized to call the attention of the citizens of these United States to the denial of their rights to register to vote: Therefore be it

Resolved by the house (the senate concurring) That we deem it necessary that this 61st general assembly support the President of these United States in using his rightful and just power to protect the right to peaceful assembly and demonstration; to curb the exercise of unlawful police power; to enjoin the Governor of Alabama to comply with the Federal Civil Rights Act of 1964; to restore the rights of those Alabama citizens now denied these rights; to urge Alabama's Governor to use all due haste to conform to democratic principles inherent in the Constitution of the United States; to allow all citizens of Alabama to exercise their just and lawful franchise by due process of registration; to protect the rights, life, and property of those who are endangered while acting in a peaceful manner to enjoin the restoration of these rights; be it further

Resolved, That we recognize that the loss of civil rights of any man of any race, color, or creed diminishes and corrodes the freedom of all citizens of these United States: Now, therefore, be it further

Resolved, That a copy of this resolution be sent to the President of the United States, Lyndon B. Johnson, to Governor Wallace, and Sheriff James G. Clark, of Alabama, to Iowa Senators BOURKE HICKENLOOPER and JACK MILLER, and to Representatives SCHMIDHAUSER, CULVER, GROSS, BANDSTRA, SMITH, GREIGG, and HANSEN.

VINCENT B. STEFFEN,
Speaker of the House.

WILLIAM R. KENDRICK,
Chief Clerk of the House.

JOINT RESOLUTION OF OREGON LEGISLATURE—TUALATIN RECLAMATION PROJECT

Mrs. NEUBERGER. Mr. President, on behalf of the members of the Oregon congressional delegation, I wish to call attention to a memorial adopted by the Oregon State Legislature in support of the Tualatin Valley reclamation project.

This important water resource development project has widespread support in the State of Oregon, as evidenced by the action taken in the legislative assembly.

I ask consent to include the text of the joint memorial and a letter of transmit-

tal from the secretary of state of Oregon in the RECORD with my remarks, and be appropriately referred.

There being no objection, the letter and joint resolution were referred to the Committee on Interior and Insular Affairs, as follows:

HOUSE JOINT MEMORIAL 3

To His Excellency, Lyndon B. Johnson, President of the United States, and to the Honorable Senate and House of Representatives of the United States of America, in Congress assembled:

We, your memorialists, the 53d Legislative Assembly of the State of Oregon, in legislative session assembled, most respectfully represent as follows:

Whereas bills for the Tualatin Valley (Scoggins) irrigation project have been introduced in the U.S. Senate and the U.S. House of Representatives; and

Whereas the feasibility report of the Bureau of Reclamation shows a high degree of benefit ratio to cost for irrigation, municipal and industrial water recreation, water quality control and fish and wildlife; and

Whereas voters of Washington County have approved formation of the Tualatin Valley Irrigation District, which district contains more than the 17,000 irrigable acres required for the feasibility of the project; and

Whereas the Tualatin project involves a supply of water for municipal and industrial use for cities, industrial and suburban areas faced with immediate costly expenditure for alternate sources of domestic and industrial water without the Tualatin Valley Irrigation District; and

Whereas an Oregon Supreme Court decision has decreed a priority of natural streamflow to users outside the Tualatin River drainage areas; and

Whereas that court decision gives a priority for water utilization in excess of its low seasonal flow to others than its present users such as farmers, cities, industrial, recreational growth, development, and employment; and

Whereas the Tualatin project, as proposed, represents a multipurpose project which fulfills the principles of maximum water resource development; and

Whereas local organizations interested in the water quality control, fish and wildlife and recreation have approved the project; and

Whereas, because of water shortages, the cities of Forest Grove and Hillsboro and the Lake Oswego corporation are vitally interested in obtaining municipal and industrial water from the project; and

Whereas recent floods have demonstrated the need for all measures of flood control including upstream resources such as Scroggins reservoir; and

Whereas Scroggins Reservoir, which would be created by the project, rates high in the recreational long-term plans of the Metropolitan Planning Commission as reported to the City Council of the City of Portland and the County Commissioners of Multnomah, Washington, and Clackamas Counties: Now, therefore, be it

Resolved by the Legislative Assembly of the State of Oregon:

1. We urge the expeditious processing through the U.S. Senate, and the U.S. House of Representatives the authorization of the project by the Congress of the United States.

2. The secretary of state shall send a copy of this memorial to the President of the United States, the Secretary of the Interior, and the Commissioner of the Bureau of Reclamation, chairmen of committees of Senate and House of the United States for Interior and Insular Affairs, and to each Member of the Oregon congressional delegation.

Adopted by house February 4, 1965.

——, *Chief Clerk of House.*

F. F. MONTGOMERY, *Speaker of House.*

Adopted by senate February 16, 1965.

HARRY D. ZOIVIN, *President of Senate.*

RESOLUTIONS OF MASSACHUSETTS SENATE

Mr. KENNEDY of Massachusetts. Mr. President, on behalf of the senior Senator from Massachusetts [Mr. SALTONSTALL] and myself I send to the desk this certified copy of a resolution entitled "Resolution memorializing the President and the Attorney General of the United States, to exercise their powers to assure the citizens of Alabama their constitutionally guaranteed franchise and civil rights," adopted by the Senate of the Massachusetts General Court on March 10, 1965.

I ask that this resolution be appropriately referred.

There being no objection, the resolution was referred to the Committee on the Judiciary, as follows:

RESOLUTION OF THE COMMONWEALTH OF MASSACHUSETTS

Resolution memorializing the President and the Attorney General of the United States to exercise their powers to assure the citizens of Alabama their constitutionally guaranteed franchise and civil rights

Whereas the people of the commonwealth are shocked and pained by the explosion of brutality in Selma, Ala., against citizens who are seeking their constitutionally guaranteed franchise and civil rights; and

Whereas the authorities of Alabama are defying the law of the land as defined in the Constitution of the United States, prescribed by Federal statutes and interpreted by the Supreme Court of the United States; and

Whereas this crisis constitutes an outrage to all freedom-loving citizens and conveys a distorted image of the United States to the free world: Now, therefore, be it

Resolved, That the Massachusetts Senate hereby urges the President of the United States and the Attorney General of the United States to use the full weight and power of their respective offices to implement the laws of the land and to guarantee to the citizens of Alabama the liberties of which they are being deprived; and be it further

Resolved, That engrossed copies of these resolutions be transmitted forthwith by the secretary of the Commonwealth to the President and Attorney General of the United States, and to each Member of the Congress from the Commonwealth.

Senate, adopted, March 10, 1965.

THOMAS A. CHADWICK, *Clerk.*

Attest:

KEVIN H. WHITE, *Secretary of the Commonwealth.*

The VICE PRESIDENT laid before the Senate a resolution of the Senate of the Commonwealth of Massachusetts identical with the foregoing, which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

S. 22. A bill to promote a more adequate national program of water research (Rept. No. 127).

By Mr. MUSKIE, from the Committee on Public Works, with amendments:

S. 560. A bill to amend the Federal Water Pollution Control Act, as amended and the Clean Air Act, as amended, to provide for improved cooperation by Federal agencies to control water and air pollution from Federal installations and facilities and to control automotive vehicle air pollution (Rept. No. 128).

BILLS AND JOINT RESOLUTION INTRODUCED

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

By Mr. LONG of Missouri:

S. 1578. A bill for the relief of Dr. Delfina M. Ibalio;

S. 1579. A bill for the relief of Thick Kee Yee; and

S. 1580. A bill for the relief of Mrs. Doris Wai Kam Yee; to the Committee on the Judiciary.

By Mr. LONG of Missouri (for himself and Mr. SYMINGTON):

S. 1581. A bill for the relief of Dr. Orhan Metin Ozmat; to the Committee on the Judiciary.

By Mr. CHURCH:

S. 1582. A bill to amend the act authorizing the Mann Creek Federal reclamation project, Idaho, in order to increase the amount authorized to be appropriated for such project (act of August 16, 1962, 76 Stat. 388); to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. CHURCH when he introduced the above bill, which appear under a separate heading.)

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

S. 1583. A bill creating a commission to be known as the Presidential Commission on Simplification of the Income Tax Laws; to the Committee on Finance.

(See the remarks of Mr. MILLER when he introduced the above bill, which appear under a separate heading.)

By Mr. DOUGLAS:

S. 1584. A bill to authorize the Administrator of the General Services to coordinate and otherwise provide for the economic and efficient purchase, lease, maintenance, operation, and utilization of automatic data processing equipment by Federal departments and agencies; to the Committee on Government Operations.

(See the remarks of Mr. DOUGLAS when he introduced the above bill, which appear under a separate heading.)

By Mr. JOHNSTON:

S. 1585. A bill to provide for the transfer of powers, duties, and functions under the Trading with the Enemy Act to the Foreign Claims Settlement Commission, and for other purposes; and

S. 1586. A bill to provide for the submission to the Congress by the Foreign Claims Settlement Commission of periodical reports concerning the administration of title II of the War Claims Act of 1948, as amended; to the Committee on the Judiciary.

(See the remarks of Mr. JOHNSTON when he introduced the above bills, which appear under a separate heading.)

By Mr. JAVITS:

S. 1587. A bill to amend the Tucker Act to increase from $10,000 to $50,000 the limitation on the jurisdiction of the U.S. district courts in suits against the United States for breach of contract or for compensation; to the Committee on the Judiciary.

(See the remarks of Mr. JAVITS when he introduced the above bill, which appear under a separate heading.)

By Mr. MAGNUSON (for himself, Mr. PELL, and Mr. PASTORE) (by request):

S. 1588. A bill to authorize the Secretary of Commerce to undertake research and development in high-speed ground transportation, and for other purposes; to the Committee on Commerce.

(See the remarks of Mr. MAGNUSON when he introduced the above bill, which appear under a separate heading.)

By Mr. BURDICK:

S. 1589. A bill to assist the States in providing public assistance to Indians living on reservations or allotted or trust lands located therein by providing for additional Federal financial participation in State public assistance programs approved under titles I, IX, X, XIV, and XVI of the Social Security Act with respect to expenditures thereunder which are attributable to such Indians; to the Committee on Finance.

By Mr. McGEE:

S. 1590. A bill to provide more adequate and realistic penalties for violations of certain safety statutes administered by the Interstate Commerce Commission; to the Committee on Commerce.

By Mr. DODD:

S. 1591. A bill to amend the National Firearms Act to impose special (occupational) taxes with respect to engaging in the business of importing, manufacturing, and dealing in destructive weapons such as bombs, grenades, rockets, missiles, bazookas, and antitank guns, to impose taxes with respect to the making and to the transfer of such weapons, and to increase the rates of special (occupational) tax, transfer tax, and making tax imposed by the act, and for other purposes; to the Committee on Finance.

S. 1592. A bill to amend the Federal Firearms Act; to the Committee on the Judiciary.

(See the remarks of Mr. DODD when he introduced the above bills, which appear under a separate heading.)

By Mr. YARBOROUGH:

S. 1593. A bill for the relief of Arie Katzman, his wife, Zipora Katzman, and their two minor children, Orfa and Orna Katzman; to the Commitee on the Judiciary.

By Mr. HARTKE:

S. 1594. A bill to establish the position of U.S. customs inspector (nonsupervisory) in the Bureau of Customs, Department of the Treasury, to place such position in grade 10 of the Classification Act of 1949, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MONRONEY:

S. 1595. A bill to provide for the transportation of mail by motor vehicles; to the Committee on Post Office and Civil Service.

S. 1596. A bill to promote the domestic and foreign commerce of the United States by modernizing practices of the Federal Government relating to the inspection of persons, merchandise, and conveyances moving into, through, and out of the United States, and for other purposes; to the Committee on Commerce.

(See the remarks of Mr. MONRONEY when he introduced the above bills, which appear under separate headings.)

By Mr. HARTKE:

S. 1597. A bill to amend title 18 of the United States Code so as to prohibit the use of likenesses of the seal of the United States falsely to indicate Federal agency; to the Committee on the Judiciary.

(See the remarks of Mr. HARTKE when he introduced the above bill, which appear under a separate heading.)

By Mr. MANSFIELD (for himself, Mr. DIRKSEN, Mr. STENNIS, Mr. JORDAN of North Carolina, and Mr. PELL):

S.J. Res. 65. Joint resolution establishing the Commission on Art and Antiquities of the Capitol, and for other purposes; to the Committee on Rules and Administration.

(See the remarks of Mr. MANSFIELD when he introduced the above joint resolution, which appear under a separate heading.)

CONCURRENT RESOLUTION

TO EXPRESS CONGRESSIONAL APPROVAL OF THE PRESIDENT'S ACTION RESPECTING VIETNAM

Mr. SCOTT submitted a concurrent resolution (S. Con. Res. 28) to express congressional approval of the President's actions respecting Vietnam, which was referred to the Committee on Foreign Relations.

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

RESOLUTION

COMMITTEE SERVICE

Mr. MANSFIELD submitted a resolution (S. Res. 90) appointing the Senator from Oklahoma [Mr. HARRIS] as a member of the Select Committee on Small Business, in lieu of the Senator from Utah [Mr. MOSS], resigned, which was considered and agreed to.

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

PROPOSED PRESIDENTIAL COMMISSION ON SIMPLIFICATION OF INCOME TAX LAWS

Mr. MILLER. Mr. President, I send to the desk, for appropriate reference, a bill to create a Presidential Commission on Simplification of the Income Tax Laws.

I ask unanimous consent that the bill be printed in the RECORD, that it be printed and appropriately referred, and that it lie over until Friday for the addition of possible cosponsors.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD and will lie on the desk, as requested by the Senator from Iowa.

The bill (S. 1583) creating a commission to be known as the Presidential Commission on Simplification of the Income Tax Laws, introduced by Mr. MILLER (for himself and Mr. WILLIAMS of Delaware), was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

FINDINGS OF FACT AND DECLARATION OF POLICY

SECTION 1. The Congress finds that the income tax originally contemplated by the sixteenth amendment to the Constitution has become so complex and cumbersome, through the numerous statutory enactments, amendments, rulings, and regulations, that it is an undue burden on the taxpayers of the United States, the professional people who serve them, and the Government officials who administer the law. This burden has become increasingly worse and if permitted to continue there is danger that our system of income taxation will collapse. It is the responsibility of the Federal Government to carry out its powers under the sixteenth amendment in such a manner as to enable taxpayers to comply with the law and to determine their liabilities without the expenditure of excessive time, effort, and money.

ESTABLISHMENT OF THE PRESIDENTIAL COMMISSION FOR SIMPLIFICATION OF THE INCOME TAX LAWS

SEC. 2. (a) For the purpose of carrying out the provisions of this Act, there is hereby created a commission to be known as The Presidential Commission for Simplification of the Income Tax Laws (hereinafter referred to as the "Commission").

(b) Service of an individual as a member of the Commission or employment of an individual by the Commission as an attorney or expert in any business or professional field, on a part-time or full-time basis, with or without compensation, shall not be considered as service or employment bringing such individual within the provisions of section 281, 283, 284, 434, or 1914 of title 18 of the United States Code, or section 190 of the Revised Statutes (5 U.S.C. 99).

MEMBERSHIP OF THE COMMISSION

SEC. 3. (a) NUMBER AND APPOINTMENT.—The Commission shall be composed of seventeen members, appointed by the President, without regard to political party affiliation, as follows:

(1) Two Members from the Senate;

(2) Two Members from the House of Representatives;

(3) One member from the Office of Legislative Counsel of the Treasury Department;

(4) One member from the Internal Revenue Service;

(5) One member from a State tax commission engaged in State income tax administration;

(6) Two members of the American Bar Association, one of whom shall be engaged primarily in tax law practice, including the preparation of tax returns, and the other of whom shall be engaged in the general practice of law, including the preparation of tax returns;

(7) One member of the American Institute of Certified Public Accountants whose practice includes the preparation of tax returns;

(8) One member of the National Association of Accountants whose practice includes the preparation of tax returns;

(9) Two farmers;

(10) Two small businessmen;

(11) Two wage earners.

(b) VACANCIES.—Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(c) CONTINUATION OF MEMBERSHIP UPON CHANGE OF STATUS.—A change in the status or employment of any person appointed to the Commission pursuant to subsection (a) of this section shall not affect his membership upon the Commission.

ORGANIZATION OF THE COMMISSION

SEC. 4. The Commission shall elect a Chairman and a Vice Chairman from among its members.

QUORUM

SEC. 5. Nine members of the Commission shall constitute a quorum.

COMPENSATION OF MEMBERS OF THE COMMISSION

SEC. 6. (a) MEMBERS OF CONGRESS.—Members of Congress who are members of the Commission shall serve without compensation in addition to that received for their services as Members of Congress; but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(b) MEMBERS FROM THE EXECUTIVE BRANCH.—The members of the Commission who are in the executive branch of the Government shall serve without compensation in addition to that received for their services in the executive branch, but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(c) MEMBERS FROM PRIVATE LIFE.—The members from private life shall each receive $50 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties.

STAFF OF THE COMMISSION

SEC. 7. The Commission shall have power to appoint and fix the compensation of such personnel as it deems advisable, without regard to the provisions of the civil service laws and the Classification Act of 1949, as amended.

EXPENSES OF THE COMMISSION

SEC. 8. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, so much as may be necessary to carry out the provisions of this Act.

DUTIES OF THE COMMISSION

SEC. 9. (a)—INVESTIGATION, ANALYSIS, and RECOMMENDATIONS.—It shall be the duty of the Commission—

(1) to analyze the Federal income tax laws and to determine how they can be simplified in a manner consistent with equity and protection of the revenue.

(2) to formulate and make recommendations for legislative action determined to be necessary and desirable to simplify the income tax laws and their administration.

(b) REPORT.—The Commission shall report to the President and the Congress its findings and recommendations as soon as practicable and in no event later than July 1, 1966. The Commission shall cease to exist sixty days following the submission of its final report.

POWERS OF THE COMMISSION

SEC. 10. (a) HEARINGS AND SESSIONS.—The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this Act, hold such hearings and sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as the Commission or such subcommittee or member may deem advisable.

Subpenas may be issued over the signature of the Chairman of the Commission, or such subcommittee, or any duly designated member, and may be served by any person designated by such Chairman or member. The provisions of sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192–194) shall apply in the case of any failure of any witness to comply with any subpena or to testify when summoned under authority of this section.

(b) OBTAINING OFFICIAL DATA.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality, information, suggestions, estimates, and statistics for the purpose of this Act, and each such department, bureau, agency, board, commission, office, establishment, or instrumentality is authorized and directed to furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman or Vice Chairman.

Mr. MILLER. Mr. President, this bill is introduced on behalf of myself and the senior Senator from Delaware [Mr. WILLIAMS].

The income tax originally envisioned by the 16th amendment to the Constitution has become so complex and cumbersome that it is an undue burden on the taxpayers, the professional people who serve them, and the Federal officials who administer the laws.

This burden has been growing steadily worse and, if permitted to continue, there is danger that our system of income taxation will collapse. The effectiveness of our tax system rests on the understanding of those who must pay the tax—the American public. When the numerous changes made by Congress over the years add to the confusion of the taxpayer, this effectiveness is negated. This is what has happened.

In making structural changes, either through executive department interpretation or congressional action, it appears to me that the basic social philosophy underlying the tax structure has often been overlooked.

Too often we fail to remember that a tax system has purposes other than simply meeting the cost of government. Many tax systems would raise the necessary revenue. Some would be more desirable than others. When computing tax liability becomes so difficult, so complex, and so confusing, as is now the case, we are failing to take into account the other purposes of stimulating employment and economic growth and the encouragement of savings and investment. Changes in the law made for purposes of doing equity can result in inequity as a result of the complexities they bring with them.

It is the responsibility of the Federal Government to carry out its powers under the 16th amendment in such a manner as to enable taxpayers to comply with the law and to determine their liabilities without the expenditure of excessive time, effort, and money.

My bill, to create a Presidential Commission on Simplification of the Income Tax Laws, would be a step in this direction.

The Commission would be charged with:

First. Analyzing the Federal income tax laws to determine how they can be simplified in a manner consistent with equity and protection of the revenue.

Second. Formulating and making recommendations for legislative action determined to be necessary and desirable to simplify the tax laws and their administration.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. MILLER. Mr. President, I ask unanimous consent that I may be permitted to continue for 1 additional minute.

The VICE PRESIDENT. The Senator from Iowa is recognized for 1 additional minute.

Mr. MILLER. Mr. President, the Commission would be composed of two members each from the Senate, the House of Representatives, and the American Bar Association; one from the Office of Legislative Counsel of the Treasury Department; one from the Internal Revenue Service; one from a State tax commission; one from the American Institute of Certified Public Accountants; one from the National Association of Accountants; two farmers; two small businessmen, and two wage earners.

As can be seen, this Commission would be representative of all strata of society—the lawmakers, the administrators, those who constitute the bulk of the taxpayers, and the professions which assist many taxpayers with their returns.

PROPOSED SAVING OF MANY MILLIONS OF DOLLARS ANNUALLY THROUGH BETTER MANAGEMENT OF AUTOMATIC DATA PROCESSING EQUIPMENT USED BY THE GOVERNMENT

Mr. DOUGLAS. Mr. President, I introduce, for appropriate reference, a bill to authorize the Administrator of General Services to coordinate and otherwise provide for the economic and efficient purchase, lease, maintenance, operation, and utilization of automatic data processing equipment by Federal departments and agencies.

This bill would provide for central management and control over the automatic data processing facilities of the Federal Government. If enacted, it should make possible savings of many millions of dollars to the taxpayers of this country through better management of automatic data processing equipment, including improved procurement and utilization practices.

The Federal Government is currently spending about $1 billion annually to operate the approximately 1,800 computers installed directly in Federal agencies. The Bureau of the Budget recently estimated that an additional 3,600 computers are employed in unique military operations and by private contractors performing work for the Government on a cost reimbursement basis. This means, according to the Bureau of the Budget, that the Federal Government is probably financing about 30 percent of all computers in the country, representing approximately $3 billion in total annual costs.

The Federal Government is the world's largest user of data processing equipment, and the related costs continue to increase with each passing year. The Comptroller General has repeatedly pointed out, in the course of some 60 reports to the Congress since 1962 on this matter, that until the Government establishes a form of centralized management and control over the procurement and use of this equipment, Federal agencies will continue to incur unnecessary costs in this already high-cost area of Government operations.

On March 6, 1963, the Comptroller General sent to the Congress a very significant report entitled "Study of Financial Advantages of Purchasing over Leasing of Electronic Data Processing Equipment in the Federal Government." This report showed that by purchasing rather than leasing 523 of the over 1,000 computers being leased by Government

agencies the Government could save $148 million over a 5-year period and an additional $100 million for each year of additional use after the 5-year period.

But it is important to point out as well that these very significant possible savings are based on calculations involving only about one-half of the computer systems leased by Government agencies. There are many more computer systems which are indirectly leased at Government expense through contracts negotiated by the Department of Defense, National Aeronautics and Space Administration, and other Government agencies. Therefore, the total savings available through purchasing and improved utilization of this equipment may well come to several times the amounts applicable to the 523 computer systems covered in the Comptroller General's report.

This report and a followup report on this subject issued by the Comptroller General on April 30, 1964, pointed out that to realize the extremely significant possible savings, basic changes in the Government's overall management system will be necessary. In particular, decisions regarding purchasing and utilization of this equipment should be made through one central coordinating organization which will consider both the Government-wide needs for this equipment and the resources already available.

There has been some improvement during the past 2 years in Government policies relating to the purchasing of computers. It is estimated that by the end of this fiscal year the Government will own about 46 percent of the 1,946 computers to be installed in Federal agencies by that time. Nevertheless, at the present time Government agencies have on lease about 1,100 computers. In other words, we have more computers on lease now than we had when the Comptroller General issued his March 6, 1963, report to the Congress. Also, as the Comptroller General pointed out in his April 30, 1964, report, practically all of the equipment used by Government contractors is being leased. This latter report also showed that extensive savings could be achieved through improved equipment utilization practices in the agencies and through the joint use of electronic data processing resources by a number of Federal agencies in lieu of additional procurement of this costly equipment by each agency separately.

The rapid growth in Government use of this costly equipment makes it essential, in my opinion, that the Congress act to institute these economies. The bill which I have introduced is identical to my bill, S. 1577, of the 87th Congress which the General Accounting Office drafted at my request following a very revealing hearing before a subcommittee of the Joint Economic Committee.

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

Mr. DOUGLAS. Mr. President, I ask unanimous consent that I may be permitted to continue for 5 additional seconds.

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

Mr. DOUGLAS. Mr. President, I ask unanimous consent that the bill be held at the desk for 10 days for possible additional cosponsors.

The PRESIDING OFFICER. The bill will be received and appropriately referred and, without objection, the bill will be held at the desk for 10 days for possible additional cosponsors.

The bill (S. 1584) to authorize the Administrator of General Services to coordinate and otherwise provide for the economic and efficient purchase, lease, maintenance, operation, and utilization of automatic data processing equipment by Federal departments and agencies, introduced by Mr. DOUGLAS, was received, read twice by its title, and referred to the Committee on Government Operations.

PROPOSED LEGISLATION RELATING TO FOREIGN CLAIMS SETTLEMENT COMMISSION

Mr. JOHNSTON. Mr. President, I send to the desk two proposed bills dealing with the Foreign Claims Settlement Commission and the Office of Alien Property.

Under previous legislation the Office of Alien Property has drastically reduced its workload and this year's budget request is approximately 50 percent of last year's. In addition, the Office of Alien Property has recently completed the sale of the General Aniline & Film Corp. and only minor technicalities remain to be settled in this matter. Consequently, the Office of Alien Property should be abe to complete its work during this session of the Congress and we should be able to transfer any remaining functions to the Foreign Claims Settlement Commission, resulting in a consolidation of these activities with a net savings to the war claims fund.

The second bill is more of a technical nature and requires periodical reports to the Congress by the Foreign Claims Settlement Commission. Since there is no judicial review of the decisions of the Commission, I think the Congress should receive a comprehensive report at regular intervals from this Commission.

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

The bills, introduced by Mr. JOHNSTON, were received, read twice by their titles, and referred to the Committee on the Judiciary, as follows:

S. 1585. A bill to provide for the transfer of powers, duties, and functions under the Trading With the Enemy Act to the Foreign Claims Settlement Commission, and for other purposes; and

S. 1586. A bill to provide for the submission to the Congress by the Foreign Claims Settlement Commission of periodical reports concerning the administration of title II of the War Claims Act of 1948, as amended.

AMENDMENT OF TUCKER ACT

Mr. JAVITS. Mr. President, I send to the desk a bill to amend the Tucker Act (28 U.S.C. 1346(a)(2)), and ask that it be printed in full at this point in the RECORD.

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

The bill (S. 1587) to amend the Tucker Act to increase from $10,000 to $50,000 the limitation on the jurisdiction of the U.S. district courts in suits against the United States for breach of contract or for compensation, introduced by Mr. JAVITS, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that paragraph (2) of subsection (a) of section 1346 of title 28, United States Code, is amended to read as follows:

"(2) Any other civil action or claim against the United States, not exceeding $50,000 in amount, founded either upon the Constitution, or any Act of Congress, or any regulation of an executive department, or upon any express or implied contract with the United States, or for liquidated or unliquidated damages in cases not sounding in tort."

Mr. JAVITS. Mr. President, this bill will increase the limitation imposed on suits against the Federal Government in U.S. district courts, from $10,000 to $50,000.

At the present time, any citizen can sue the United States in any amount in the U.S. Court of Claims, but if he sues or is sued in the U.S. district court his claim against the Government is limited to $10,000.

This limitation was enacted in 1887 and has not been raised since that time. It becomes particularly burdensome in light of legislation offered by my former colleague, Senator Keating, of New York, which was enacted last year. The Keating bill allows claims for compensation by Government employees to be filed in the U.S. district courts, thereby enabling a Government employee to join in one action in the district courts, a suit for reinstatement to his Government position, and a claim for compensation owed him. Because of the monetary limitation imposed by the Tucker Act, however, claims for compensation which exceed $10,000 cannot be so joined, and must continue to be filed separately in the Court of Claims.

The Judicial Conference of the United States in its meeting last September called for this legislation, and the Administrative Office of the U.S. Courts has endorsed it.

Mr. President, I ask unanimous consent that this bill remain on the table for 1 week, so that other Senators may join as cosponsors.

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

HIGH-SPEED GROUND TRANSPORTATION RESEARCH AND DEVELOPMENT

Mr. MAGNUSON. Mr. President, I introduce, by request, for appropriate reference, a bill for high-speed ground transportation research and development. The introduction of the bill is at the request of President Johnson. I ask unanimous consent that the President's letter of March 4 and accompanying

statement on the need for the proposed legislation be printed in the RECORD.

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

THE WHITE HOUSE,
Washington, March 4, 1965.

HON. HUBERT H. HUMPHREY,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: I am pleased to transmit to Congress proposed legislation for high-speed ground transportation research and development. This legislation will help us to bring scientific and technical talent to bear on an increasingly important area of transportation not previously subject to intensive, continuing inquiry.

The life of every citizen is influenced by transportation service. This vast economic activity not only absorbs 1 out of every 5 gross national product dollars; it shapes the environment in which we live and work. Advances in our transportation system must constantly be made if we are to continue to enjoy growth and prosperity—and if America is to be a livable nation.

The last three decades have produced great technological achievements in air and highway transportation. Commercial planes today fly three times as fast as they did in the 1930's. Automobiles speed along modern highways at greatly reduced travel time. The progress of our rail transportation system, unfortunately, has not matched these strides.

I believe the power of science and technology, demonstrated so well in the evolution of air and highway travel, can be utilized in the solution of other transportation problems, especially rail transportation.

Striking advances in intercity ground transportation—advances in speed, reliability, comfort, and convenience—are needed and possible. In the last 50 years, intercity freight tonnage has risen four times, and passenger travel has increased 25-fold. In 1960 Americans traveled over 600 billion passenger miles, exclusive of local movement. That figure will more than double by 1980.

We face an imminent need for improved intercity transportation in the densely populated area along the east coast—between Washington and Boston—where travel is expected to increase by 150 percent to 200 percent between 1960 and 1980. Freight shipments during the same period may nearly double. Other such "corridors" can be identified throughout the Nation. Advances in the transportation of goods and people safely, reliably, and economically in one densely populated area will be directly applicable to other regions.

It is clear that we should explore the feasibility of an improved ground transportation system for such heavily traveled corridors. The program outlined by the Secretary of Commerce calls for research on materials, areodynamics, vehicle power and control, and guideways. Information requirements for regional studies and evaluations are to be defined and the necessary data collected. We must learn about travel needs and preferences, in part through the use of large-scale demonstration projects. New methods of analyzing the problem will be developed to give adequate consideration to the large number of regional and local characteristics which influence the performance, acceptability, and cost of all kinds of systems.

The task is large and complex. Evolutionary improvement in the existing railroad system must be compared to much more radical and longer term developments. Systems proposed must be compatible with urban transportation plans. The reseach and development activity will require the services of many outstanding scientists, engineers, administrators, and business executives. But I know that we will find the skills in industry, in the universities, and in government—both national and local—to do the job. The consequences of beginning now will be vital, for experience has demonstrated to us that dollars spent in sound research and development produce benefits many times over.

Sincerely,

LYNDON B. JOHNSON.

STATEMENT OF PURPOSE AND NEED FOR LEGISLATION TO AUTHORIZE THE SECRETARY OF COMMERCE TO UNDERTAKE RESEARCH AND DEVELOPMENT IN HIGH-SPEED GROUND TRANSPORTATION AND FOR OTHER PURPOSES

The purpose of the proposed legislation is to authorize the Secretary of Commerce to carry out activities relating to the development of high-speed ground transportation, thereby contributing to the improvement of the national transportation system.

Efficient surface transportation has always been a vital force in promoting the economic growth of our Nation. The President has emphasized that we must improve ways of transporting people and goods safely, reliably, and economically over relatively short distances in densely populated areas.

The northeast corridor and other densely populated areas face critical intercity transportation problems which require the application of advanced technology to ground transportation systems. The proposed legislation would authorize research and development activities which could be expected to result in the development of more efficient and economical intercity transportation systems. It should be emphasized that the proposed legislation is not limited to a consideration of the transportation needs of the northeast corridor, nor should it be regarded as being for the sole benefit of one particular region of the Nation. On the contrary, the activities to be conducted would be beneficial for the Nation as a whole, and would assist during the coming years in the solution of the transportation problems of densely populated regions in the Nation.

The proposed legislation is not designed to benefit or to concentrate solely on one particular type of transportation. Wholly new kinds of vehicles, guideways, and operational and control systems may evolve from concentrated technological research in high-speed ground transportation. Such results can be foreseen within the scope of present and foreseeable technology. A new high-speed ground transportation system would differ radically from passenger trains and railways as we know them today.

The research and development activity which would be carried out under the proposed legislation would be accomplished in cooperation with all relevant elements of our present transportation system, whether privately or publicly owned and operated.

Initial demonstration projects utilizing present railroad technology would be conducted with Federal participation. Such projects would involve relatively low-cost improvements in present rail service, for the purpose of measuring market response to higher rail speeds, variation in fares, greater travel comfort and convenience, and more frequent service.

In order to determine the demand for transportation and to evaluate the relative economic efficiency of different systems, section 2 of the proposed legislation would authorize the collection of transportation data and statistics. This data is essential in arriving at sound policy decisions in the future regarding high-speed ground transportation as well as other decisions on the improvement of the national transportation system. Present statistical programs do not fully meet these needs. For example, origin and destination data on travel and more complete and accurate information on travel patterns during periods of peak use are needed. Also needed are standard statistical definitions and location codes.

It is anticipated that work performed during the next 3 years will be sufficient to permit decisions to be made concerning future activities in high-speed ground transportation. Clearly there will continue to be need for carrying on fundamental research and development in ground transportation systems as well as to continue collection of adequate transportation statistics. There may also be a basis for pioneering development of new ground transportation systems in the northeast corridor and in other areas of the Nation.

Mr. MAGNUSON. A word should be stated at this time about the Senators from Rhode Island [Mr. PASTORE and Mr. PELL], who joined in the introduction of the measure. The Senators from Rhode Island, the Senator from Connecticut [Mr. DODD] and, I could name pretty nearly all the Senators in that area of the country, have been very insistent and for many years have recognized the need for high-speed ground transportation in the densely populated metropolitan corridor from Washington, D.C., clear up to Boston.

The energy, interest, and alertness of those people to whom I referred—and I could name every Senator in New England, the Senators from New York [Mr. JAVITS and Mr. KENNEDY], and the Senators from New Jersey [Mr. CASE and Mr. WILLIAMS]—have been largely responsible for the fact that we have progressed to the point of now receiving a Presidential request for legislation in this field. Again I am hopeful that the Committee on Commerce will be able promptly to consider this important proposal.

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

Mr. MAGNUSON. I yield.

Mr. PELL. I thank the distinguished Senator from Washington very much, indeed. I am delighted to add my hearty endorsement of the administration bill for research and development and demonstration of high-speed ground transportation under the Department of Commerce.

I have a longstanding interest in this project. Back in 1962, I first suggested that steps should be taken to provide high-speed intercity rail service in the densely populated megalopolis stretching from here to Boston. I introduced at that time, and reintroduced in the 88th Congress, a bill authorizing the negotiation of an 8-State public authority to provide such service, and the same bill again has been introduced in the 89th Congress as Senate Joint Resolution 16.

In 1963, the Department of Commerce was directed to undertake feasibility studies of my plan. The first phase of these studies was completed last summer and led to the recommendation for the substantially expanded program of experimentation and development we have before us today.

Under the immediate experimentation phase of the administration's program, we may see a partial realization next year of my initial proposal of 100-mile-per-hour intercity rail service in the Nation's first megalopolis. I urge that this phase of the program be fully supported so that it will yield meaningful results

on which to base future Government policy.

The second long-range phase of the administration program goes considerably beyond my original proposal and authorizes a farsighted and comprehensive program of research and development which could lead to entirely new concepts of very high speed ground transportation, designed especially to service large areas of high-population density where it will become increasingly difficult to provide adequate transportation for an expanded population by existing modes of transportation.

It seems to me, Mr. President, that we will derive the most return from the Government's investment in this long-range technological quest if a major portion of the research and development effort is placed, on a competitive basis, in the hand of some of our major industrial suppliers in such fields as aircraft, automotive, and electrical equipment production; many of whom, I understand, have already begun to break new ground on the technology of public transportation for the future. The practical thrust of these corporate endeavors can provide invaluable balance and direction to theoretical academic analyses.

It is indeed a tribute to the breadth and depth of President Johnson's vision that he has incorporated this farsighted program into the fabric of the Great Society. He has built upon my original proposal and expanded it into a project of immense significance for the future of the Nation.

In conclusion, Mr. President, I wish to emphasize that the administration's program has universal meaning for the whole country, far beyond its immediate application in the northeast megalopolis. The northeast megalopolis, which now has about 20 percent of the Nation's population living on less than 2 percent of the Nation's land, is the prototype of some 21 other superurban complexes which are already developing in other parts of the Nation. In each of them, we are going to be faced with difficult questions of public policy as to how to insure mobility for great masses of people on the most economic and efficient terms. The quality of everyday life in the Great Society of the future will depend to no little degree on how effectively we plan now to meet these problems. It is in this spirit that I lend my full support to the administration program and urge that it receive speedy and favorable consideration in the Senate.

Mr. MAGNUSON. Mr. President, will the Senator from Rhode Island yield?

Mr. PELL. I yield.

Mr. MAGNUSON. I did not intend to limit my remarks to the New England problem. As the Senator from Rhode Island says, the proposal will be more than a prototype. An attack on the problem is long overdue, although it is probably most serious in the particular area to which the Senator from Rhode Island refers. I am hopeful that it will be a beginning, as he says, toward a solution of transportation problems in the great urban areas, especially between termini of great centers of population. I cannot help thinking that we are little late in making a start on this movement.

I saw some photographs the other day which showed what is being done in Japan in similar situations, especially between Tokyo and Kyoto, where a dense population exists. I hope that Congress will get busy on this problem as soon as possible and that we may take some action before too long. I do not know of any area of the country that is suffering more from a lack of transportation—particularly passenger transportation—than the New England areas of Connecticut, Rhode Island, and Massachusetts, and other States of the North.

Mr. PELL. What we hope to do is to provide the people of our country with the same kind of transportation as the people of Japan and parts of Europe are now receiving. It is a question of our catching up.

Mr. MAGNUSON. I hope we may reach a solution which will serve as a prototype for other urban areas.

Mr. PELL. I have one further thought. My own hope is that a substantial amount of the money may be spent along the lines that the Department of Defense follows with regard to suppliers in other fields, such as the aircraft industry. The transportation industry, which has done some preliminary work along the lines we are proposing, might receive grants of money for research to enable companies in that industry to compete with and bid against one another, to see which can propose the best ideas at a reasonable price. Without discussing specific corporations that might be involved, perhaps two or three of the largest might each be granted financial support to see which could devise a program to get such a project moving quickly. The spirit of competition might well enter into this endeavor. That might prove to be better than dealing with the problem from the academic side.

Mr. DODD. Mr. President, I join both the Senator from Washington and the Senator from Rhode Island, who have given strong leadership in the movement to solve this urgent problem. I shall continue, as I have in the past, to support such proposed legislation.

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

The bill (S. 1588) to authorize the Secretary of Commerce to undertake research and development in high-speed ground transportation, and for other purposes, introduced by Mr. MAGNUSON (for himself and other Senators), by request, was received, read twice by its title, and referred to the Committee on Commerce.

TRANSPORTATION OF MAIL BY MOTOR VEHICLES

Mr. MONRONEY. Mr. President, I introduce, for appropriate reference, a bill to provide for the transportation of mail by motor vehicles.

This bill would establish a requirement that the Postmaster General make use of regulated motor carriers on the same basis as he now makes use of regulated railroads and regulated air carriers. The Motor Carrier Act of 1935 which placed interstate motor carriers under economic regulation did not provide for the transportation of mail by these carriers. The purpose of this bill is to correct this oversight. It will give regulated motor carriers the same opportunity, under the same procedures, to transport mail as is now enjoyed by the railroads and airlines. It will also make available to the Post Office Department for the expeditious delivery of mail the finest, most advanced, and most flexible highway transportation service in the world. Under this bill the Interstate Commerce Commission would be empowered to fix and determine the proper rates of compensation, after hearing, as is now the case with the railroads. Those carriers who do not desire to transport mail would not be required to do so, however, those accepting the responsibility for the carriage of mail would bear the obligations and penalties for failure to perform the service. The Postmaster General's existing rights to enter into private contracts for the transportation of mail by highway would remain unchanged. The existing contracts under present laws, would remain in force at the discretion of both parties.

This bill is consistent with the recommendations from the Interstate Commerce Commission that "the Congress give consideration to amending the Interstate Commerce Commission Act and related statutes so as to provide for greater flexibility in the transportation of mail by authorizing more efficient use of regulated motor common carriers and the new Interstate Highway System."

Mr. President, I believe the Postmaster General and the regulated motor carrier industry will derive mutual benefits from this legislation. And most important, the beneficiaries will be the American people who will be afforded an even faster and more efficient delivery of their mail.

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

The bill (S. 1595) to provide for the transportation of mail by motor vehicles, introduced by Mr. MONRONEY, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

PROMOTION OF DOMESTIC AND FOREIGN COMMERCE

Mr. MONRONEY. Mr. President, I introduce, for appropriate reference, a bill to promote the domestic and foreign commerce of the United States by modernizing the Federal Government practices with respect to persons, merchandise, and conveyances moving into, through, and out of the United States. The purpose of this bill is to establish a consistent national policy on inspection agency practices and to require the Government to furnish certain public service functions on a businesslike basis to meet the needs of modern day commerce.

Our existing laws on inspection services are archaic, inconsistent, and detrimental to the movement of people and property into and out of the United States. They were enacted in the last century, when for all practical purposes, we operated on a 5-day week. These laws prohibit, in effect, the performance of duty by employees of Government agencies at night under certain conditions and on Sundays and holidays unless private parties contract with Government employees for special service on an overtime basis.

Our regulated carriers are required to pay several million dollars each year for services provided by inspection agencies which are necessary to protect the Nation and the people as a whole and which are not intended to benefit those on whom the charges are imposed. There have been many instances called to my attention where private persons coming into the United States on a Sunday by private aircraft have been forced to pay as much as $50 dollars for customs clearance to a customs inspector who would spend no more than an hour on the job.

Since these services are for the benefit of the public as a whole, I do not believe that overtime fees should be imposed on any individual or group. This bill would require these services to be furnished by the Government without reimbursement from persons coming into the country whenever notice has been given to the Government agency involved through such means as schedules, timetables, traffic, or flight plans.

The approach adopted in this bill is similar to that taken by Congress in 1957 when it enacted legislation exempting from the overtime fees of the Public Health quarantine inspection service the operations of aircraft and trains covered by published schedules.

This bill is supported by all segments of our transportation industry, both public and private. I believe it is essential to modernize the practices of our inspection agencies and to establish a consistent national policy.

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

The bill (S. 1596) to promote the domestic and foreign commerce of the United States by modernizing practices of the Federal Government relating to the inspection of persons, merchandise, and conveyances moving into, through, and out of the United States, and for other purposes, introduced by Mr. MONRONEY, was received, read twice by its title, and referred to the Committee on Commerce.

PROTECTING THE GREAT SEAL OF THE UNITED STATES

Mr. HARTKE. Mr. President, on May 7 of last year I introduced a bill, S. 2813, whose enactment would correct a rather unaccountable situation of oversight. Today I again introduce the same bill, a measure which will prohibit use of the likenesses of the seal of the United States falsely to indicate Federal agency.

Oddly enough, although use of the great seal of the United States dates from September 15, 1789, there has never been a statutory provision forbidding its reproduction for private purposes. Such prohibitions surround various other official emblems and seals of the Federal Government, but the only weapon available to the Department of State as the custodian of the great seal die and press has been the effort of persuasion. Often this has not been sufficient. Facsimiles of the great seal have been used on letterheads, program cards, and newspaper advertisements in such a manner as to imply the support of the U.S. Government for private ventures. This is a deceit and a fraud which should be corrected by my bill.

As I noted last year, I made inquiry of the Department of State concerning the facts when this first came to my attention. Included in the reply which I received from Assistant Secretary of State Frederick G. Dutton there was this statement of direct support by the State Department for passage of this legislation:

> The Department is convinced that the Government should begin to exercise suitable control over use of the coat of arms.

The letter concludes, following a review of the situation, with an even more direct recommendation:

> The coat of arms of the United States is unique in that it belongs not to any department, agency, or other unit of the Government, but to the Government as a whole. Accordingly, the Department feels that the Government needs legislation to control the use of the coat of arms for private purposes.

Mr. Dutton's letter cites numerous instances in which the great seal has been used in improper ways. He states that "Such instances of private exploitation of the coat of arms are becoming more numerous and more various."

No hearings were held and no action taken on this bill last year. I sincerely hope that it may obtain consideration and passage in this session of the Congress.

In conclusion, Mr. President, I ask unanimous consent that the letter from Mr. Dutton may appear at the close of these remarks.

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. 1597) to amend title 18 of the United States Code so as to prohibit the use of likenesses of the seal of the United States falsely to indicate Federal agency, introduced by Mr. HARTKE, was received, read twice by its title, and referred to the Committee on the Judiciary.

The letter presented by Mr. HARTKE is as follows:

APRIL 13, 1964.

DEAR SENATOR HARTKE: Thank you for your letter of April 4, 1964, requesting comment on a suggestion for a law to regulate reproduction of the great seal of the United States for private purposes.

Legislation concerning the use of the original great seal of the United States dates from September 15, 1789. An act of Congress approved that day placed the great seal in the custody of the Secretary of State and provided that it should be affixed only to documents of certain kinds and then only on the authority of the President's signature. The relevant provisions of law today are title 4, sections 41 and 42, of the United States Code.

The device or design of the obverse of the great seal is the coat of arms of the United States. The coat of arms is an official emblem, mark of identification, and symbol of the authority of our Government. The Government displays the coat or arms on currency, stationery, publications, military uniforms, public monuments, public buildings, and other property that it issues, owns, or uses. The coat of arms today connotes Federal property, ownership, or authority, or some other direct relationship to the U.S. Government.

While the great seal die and press are in the custody of the Secretary of State, and their use is strictly guarded by law, there is not now and never has been any statutory provision controlling the reproduction of the seal design (the coat of arms) for private purposes.

The question of use of the coat of arms of the United States for private purposes is an old and recurring one. The Department has never objected to private reproduction of the device for purely educational, informative, or patriotic purposes, as in textbooks, in encyclopedias, or on monuments to war heroes. As a matter of longstanding policy, however, the Department, when asked its opinion, has tried to discourage the use of the coat of arms in advertising or in any other form of private commercial exploitation. One reason for this policy is that such use gives the public the false impression of Government participation in or endorsement of a private business undertaking. At the same time, the Department has for many years indicated that it is not authorized by law either to grant or to withhold permission to reproduce the device for private purposes. In other words, it cannot enforce its policy.

Regarding the need for legislation, the Department has noted, or has had brought to its attention, numerous instances of employment of the coat of arms in ways which it considers inappropriate. These instances, most of them in advertising matter, include use by a motel in North Carolina, a book publisher, an insurance company, a Washington restaurant, and firms manufacturing wall plaques, paperweights, ashtrays, phonograph records, greeting cards, and costume jewelry. Such instances of private exploitation or proposed exploitation of the coat of arms are becoming more numerous and more various. The Department's traditional endeavor to deal with the situation by means of moral suasion results in unfairness through disadvantage to those persons and firms that abide by the Department's request to desist. The Department is convinced that the Government should begin to exercise suitable control over use of the coat of arms.

In some areas the Government is now dealing effectively with a similar problem regarding the seals and emblems of Federal departments, agencies, and other organizational units, especially those pertaining to the armed services. It has been able to do so at this lower level because statutes authorize the formulation and enforcement of regulations controlling reproduction of these devices, including the seal of the Department of State. Some of this authority lies in title 18, section 701, of the United States Code. The Veterans' Administration and the Air Force, however, cite as the basis for the regulations they have issued regarding their devices simply the provisions of law that give the heads of those agencies authority generally to perform their duties (United States Code, title 38, sec. 210, and title 10, sec. 8012).

The coat of arms of the United States is unique in that it belongs not to any department, agency, or other unit of the Government, but to the Government as a whole.

Accordingly, the Department feels that the Government needs legislation to control the use of the coat of arms for private purposes.

If I can be of further help to you at any time, please do not hesitate to call on me.

Sincerely yours,

FREDERICK G. DUTTON,
Assistant Secretary.

CURATOR OF ARTS AND ANTIQUITIES

Mr. MANSFIELD. Mr. President, recent acts of vandalism in the Corcoran Gallery underscore a problem in the Capitol which Members of the Senate sought to deal with several years ago. On June 6, 1962, I introduced on behalf of myself, Senator DIRKSEN, the minority leader, the Senator from Mississippi [Mr. STENNIS], and the Senator from North Carolina [Mr. JORDAN] Senate Joint Resolution 195 entitled "Joint resolution establishing the Commission on Arts and Antiquities of the Capitol, and for other purposes." On July 18, 1962, the Senate passed the bill but it died in the House Committee on Administration.

The art treasures and antiquities that have accrued to the Congress over the years represent an immensely valuable and irreplaceable part of our American heritage. This collection should be assured maximum safety and should be treated in an integrated fashion. But at the present time no single body in the Congress is charged with its care. The Capitol Architect, committees of each House, and other custodians do the best they can to preserve portions of the collection over which, in a somewhat haphazard fashion, they have been assigned jurisdiction through the years. But it is likely that in years past much of value has been lost. And there is no question that what remains can be more effectively utilized in an inspirational, educational, and patriotic sense. What is involved are priceless benchmarks of our society and its history which have been entrusted to us for safekeeping. The Congress has a responsibility to see to it that they are passed along unscathed and undiminished. These paintings, books, furniture, statues and other historic items belong to all generations of Americans, past, present, and future. Their preservation is a responsibility which cannot be taken lightly, for once marred, lost, or destroyed they can never be replaced, and acts of vandalism, may I say, are not unknown in the Capitol.

I call to the attention of the Senate the fact that Senate Joint Resolution 195 in the 87th Congress had the strong endorsement and support of the minority leader and other Senators who share a keen interest in our past history and its tangible legacies. The Senate Committee on Rules and Administration at that time also gave its unanimous support to the resolution which the Senate proceeded to adopt on a bipartisan basis.

Since the House did not act one way or the other on the proposal to establish a joint Commission and to provide for a Curator of Arts and Antiquities, I again offer at this time a similar resolution. The purpose of this resolution is to provide coordinated protection and the best possible utilization of the objects of arts and the antiquities of the Capitol for the mutual benefit of the tens of thousands of visitors who come to their Capitol each year and the Members of Congress.

Briefly, the resolution would create a commission comprised of the Speaker of the House, the Vice President, the chairman and the ranking minority members of the Senate Rules Committee and the House Administration Committee, and the Architect of the Capitol. It would, as well, create the position of Curator of Arts and Antiquities. I would hope and expect that the Commission would choose for this position on a completely nonpartisan basis an outstanding authority on arts and antiquities and their preservation and display.

If this joint resolution is passed by the Senate, I hope the House will see fit to consider this pressing need and concur with the Senate in establishing a Commission on Art and Antiquities of the Capitol.

On behalf of myself, the Senator from Illinois, our minority leader [Mr. DIRKSEN], the Senator from Mississippi [Mr. STENNIS], the Senator from North Carolina [Mr. JORDAN], the Senator from Rhode Island [Mr. PELL], I send to the desk a joint resolution and ask that it be appropriately referred.

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

The joint resolution (S.J. Res. 65) establishing the Commission on Art and Antiquities of the Capitol, and for other purposes, introduced by Mr. MANSFIELD (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Rules and Administration.

Mr. MANSFIELD subsequently said: Mr. President, I ask unanimous consent that legislation introduced today seeking to create a Commission on Arts and Antiquities for the Capitol lie on the table for the rest of this week for additional cosponsors.

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

TO EXPRESS CONGRESSIONAL APPROVAL OF THE PRESIDENT'S ACTION RESPECTING VIETNAM

Mr. SCOTT. Mr. President, I submit a concurrent resolution for appropriate reference.

Peace and freedom together form the spine of American foreign policy. I believe President Johnson stands proudly on those fundamentals, and shares the willingness of former President Eisenhower to "walk the extra mile for peace."

The Congress must be ready to endorse every step the President takes to strengthen the Nation's policy to deter and defeat aggressors. We must fully realize our country's commitment to prevent the subjugation of the South Vietnamese people to Communist rule and must demonstrate the fullest confidence in our ability, resources, and willpower to dig in and hold the line against Chinese Communist expansionism.

We cannot withdraw from Vietnam. If we do, we will be forced to defend countries closer to our own soil and security. We must not fight in Bangkok; not in Tokyo, Calcutta, or Manila. We must be ready to fight in Vietnam and show the world the strength of our conviction and the resoluteness of our purpose. We must demonstrate confidence in our President and give him the tallest posture we can. This is the way, through firm resolution, to prevail and to secure peace and freedom for the people of the world who will choose freedom whenever and wherever there is the element of free and unhampered choice.

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

The concurrent resolution (S. Con. Res. 28) was referred to the Committee on Foreign Relations as follows:

Whereas the United States is pledged to meet any challenge, whether of direct attack or subversion, which threatens our security or the security of any country that wants to be free; and

Whereas the Communist regime in North Vietnam threatens the peace and territorial integrity of South Vietnam, and continues its policy of terror and aggression against its neighbors and the nations fighting in the collective defense of their freedom; and

Whereas the rationale of the United States position must be worked out with a sense of purpose and assurance to block Communist penetration in southeast Asia to prevent the subjugation of 14 million South Vietnamese people to Communist rule; and

Whereas the United States desires no military, political, or territorial aggrandizement in southeast Asia, but asks only that the peoples of southeast Asia be granted the freedom to decide their own form of government; and

Whereas the United States should demonstrate a willingness to join in negotiations only when the Communist regime in North Vietnam halts its infiltration of men and supplies to the south and supports a de facto cease-fire: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress approves and supports the President's actions to strengthen the Nation's policy to deter and defeat aggressors who seek to destroy the political independence of South Vietnam.

SEC. 2. It is the sense of the Congress that it is in the best national interest to assist in defending the people of South Vietnam against the aggression of the Communist regime of North Vietnam; to secure the freedoms of speech and religion for the people of South Vietnam; to bring about tranquillity and security in South Vietnam with a cessation of hostilities and a restoration of peace through honorable negotiations at a time of our choosing.

FEDERALLY CHARTERED CREDIT UNIONS SHOULD PARTICIPATE IN STUDENT LOANS (AMENDMENT NO. 58)

Mr. GRUENING. Mr. President, I submit, for appropriate reference, an amendment to S. 600, to permit federally chartered credit unions to participate under the student loan insurance program.

As now drafted, the bill would exclude federally chartered credit unions from participating in the program. Under the Federal Credit Union Act, there are two limitations on the lending power of federally chartered credit unions which

would prevent their participation. The first is that loans must mature in not more than 5 years. The second requires adequate security for a loan in excess of $750.

If enacted in its present form, State-chartered credit unions would be able to participate in the insured student loan program while federally chartered credit unions would be precluded from doing so. I am quite sure that this anomaly is not intended.

I am therefore proposing an amendment to S. 600 to permit such participation by federally chartered credit unions.

The PRESIDING OFFICER. The amendment will be received, printed, and appropriately referred.

The amendment (No. 58) was referred to the Committee on Labor and Public Welfare.

ADDITIONAL COSPONSORS OF BILLS

Mr. HARTKE. Mr. President, on behalf of the Senator from Wisconsin [Mr. NELSON] and the Senator from Massachusetts [Mr. KENNEDY] I ask unanimous consent that their names be added as cosponsors of Senate bill 1203 concerning the deductibility of teachers continuing education expense.

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

Mr. MANSFIELD. Mr. President, on behalf of the junior Senator from Oregon [Mrs. NEUBERGER], I ask unanimous consent that the name of the junior Senator from Wisconsin [Mr. NELSON] be added as a cosponsor of S. 1087.

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

Mr. MORSE. Mr. President, I ask unanimous consent that at the next printing of the bill S. 288, amending Public Law 874, the name of the distinguished senior Senator from New York [Mr. JAVITS] be added as a cosponsor to the bill.

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

Mr. MORSE. Mr. President, I ask unanimous consent that at the next printing of the bill S. 600, the Higher Education Act of 1965, the name of the distinguished junior Senator from Hawaii [Mr. INOUYE] be added as a cosponsor to the bill.

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

Mr. CHURCH. Mr. President, I ask unanimous consent that the following Senators be added as cosponsors of Senate bill 1297, to change the amount of silver in coins: Senators BARTLETT, CANNON, DOMINICK, JACKSON, and METCALF.

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

ADDITIONAL COSPONSORS OF BILLS

Under authority of the orders of the Senate, as indicated below, the following names have been added as additional cosponsors for the following bills:

Authority of March 8, 1965:

S. 1446. A bill to reserve certain public lands for a National Wild Rivers System, to provide a procedure for adding additional public lands and other lands to the system, and for other purposes: Mr. ANDERSON, Mr. BARTLETT, Mr. BASS, Mr. BAYH, Mr. BREWSTER, Mr. BURDICK, Mr. CASE, Mr. CLARK, Mr. COOPER, Mr. DOUGLAS, Mr. GRUENING, Mr. HART, Mr. HARTKE, Mr. INOUYE, Mr. KENNEDY of New York, Mr. LONG of Missouri, Mr. MCGEE, Mr. MCGOVERN, Mr. METCALF, Mr. MONDALE, Mr. MONTOYA, Mr. MOSS, Mr. NELSON, Mr. RANDOLPH, Mr. RIBICOFF, Mr. YARBOROUGH, and Mr. YOUNG of Ohio.

Authority of March 10, 1965:

S. 1486. A bill to amend the Internal Revenue Code of 1954 to allow a deduction to a taxpayer who is a student at a college for certain expenses incurred in obtaining a higher education: Mr. ALLOTT, Mr. BENNETT, Mr. CASE, Mr. COOPER, Mr. COTTON, Mr. DIRKSEN, Mr. DOMINICK, Mr. FANNIN, Mr. FONG, Mr. HICKENLOOPER, Mr. HRUSKA, Mr. JORDAN of Idaho, Mr. MILLER, Mr. MUNDT, Mr. MURPHY, Mr. SIMPSON, Mr. THURMOND, Mr. TOWER, and Mr. WILLIAMS of Delaware.

NOTICE OF HEARINGS ON HOUSE BILL 2594

Mr. MCGEE. Mr. President, the Subcommittee on Retirement of the Post Office and Civil Service Committee will hold a public hearing on H.R. 2594 on Thursday, March 25, 1965, at 10 a.m. in room 6202 of the New Senate Office Building.

H.R. 2594 clarifies the application of certain annuity increase legislation previously enacted by Congress. Those wishing to testify should contact the Post Office and Civil Service Committee in room 6206 of the New Senate Office Building or call 225-5451.

STATUS OF LEGISLATION IN THE SENATE THROUGH MARCH 18

Mr. MANSFIELD. Mr. President, during the past week, the Senate passed several minor bills but concentrated primarily on manpower training and voting rights legislation. The Senator from Pennsylvania and chairman of the Manpower Subcommittee of the Senate Labor and Public Welfare Committee, Senator CLARK, is deserving of special commendation for handling, within his subcommittee as well as on the floor, the President's amendments to the Manpower Training Act of 1962, one of the most worthwhile programs Congress has ever enacted. Senators PROUTY, DOMINICK, YARBOROUGH, PELL, BARTLETT, ELLENDER, ROBERTSON, LAUSCHE, HOLLAND, JAVITS, PASTORE, and HILL also made outstanding contributions during the debate. The manpower training was the 14th of the Presidential recommendations passed by the Senate this session.

Next week we look forward to passage of another administration measure, expansion of the Water Research Act (S. 22) which will be handled on the floor by the distinguished Senator from New Mexico, Senator ANDERSON.

During the week of March 22-27, the committees will be extremely active. Among the important measures expected to receive consideration are, by committee, the following:

Senate Appropriations has already concluded hearings on the Interior Department appropriations and is making rapid progress on Agriculture, Defense, Labor-HEW, and Treasury-Post Office. The House is expected to act on the District of Columbia appropriation on Tuesday of this week and I anticipate early hearings in the Senate.

Senate Banking will continue hearings March 23 and 25 on balance of payments.

Senate Commerce will hold hearings March 22-25 on S. 547 and S. 559, bills relating to cigarette labeling and advertising.

District of Columbia Committee will hold hearings on: H.R. 66, a bill to authorize the Board of Parole of the District of Columbia to discharge a parolee from supervision prior to the expiration of the maximum term or terms for which he was sentenced; S. 1319, authorizing a work release program for persons sentenced by the courts of the District and defining the powers and duties in relation thereto; S. 1317, authorizing the District of Columbia Commissioners to prescribe penalties for the handling and collection of dishonored checks or money orders; S. 1321, relating to bond requirements in connection with attachment before judgment.

Senate Finance will continue hearings on the effects of Du Pont-Christiana's divestiture of General Motors stock.

Foreign Relations will continue on foreign aid.

Senate Judiciary will open hearings March 23 on S. 1564, the Voting Rights Act of 1965, and will continue on immigration revision. The committee will also consider the nomination of Harold Levinthal as U.S. circuit judge for District of Columbia circuit.

Senate Labor will continue on S. 600, higher education.

Senate Government Operations will hold hearings March 22 on the President's reorganization authority. On March 22, 25, and 26, hearings will be held on the role of the Federal Government in traffic safety.

Senate Interior will hold hearings March 22 on S. 1229, relating to uniform policies for recreation benefits. On March 24, the committee holds hearings on S. 1000, a bill on movable property title transfers; S. 1243, authorizing the Secretary of the Interior to employ aliens in a scientific and technical capacity; and S. 1462, an Indian lands bill.

Senate Public Works starts hearings March 22 on rivers and harbors and flood control projects.

Senate Space continues its hearings on the annual authorization bill.

I ask unanimous consent that a statement of the Democratic policy committee on Senate legislative activity through March 18 be printed in the RECORD.

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

SENATE LEGISLATIVE ACTIVITY THROUGH MARCH 18, 1965

The tally sheet so far—Senate activity:

Days in session	39
Hours in session	163:11
Total measures passed	102
Confirmations	25,086
Public Laws	5

APPROPRIATIONS

Agricultural supplemental: Appropriated $1.6 billion for Commodity Credit Corporation, allowed the President final discretion in shipping surplus food to Egypt, and suspended until May 1 the planned closing of 11

VA hospitals, 4 domiciliaries, and the merger of 17 regional offices. Public Law 89-2 (Presidential recommendation).

CONGRESS

Joint Committee on the Budget: Established a 14-member Joint Committee on the Budget composed of 7 members from each Appropriations Committee, 4-to-3 ratio. The purpose of the joint committee is to serve the Appropriations Committees year round with the same expertise as the Bureau of Budget for the Executive. S. 2 passed Senate, January 27.

Joint Committee on Organization of Congress: Established a 12-member bipartisan Joint Committee on the Organization of Congress to make a full and complete study of the organization and operation of Congress and to recommend improvements. Rules changes are eliminated from the study. Authorizes $150,000 through January 31, 1966, to be paid from the contingent fund of the Senate. First report to be submitted 120 days following effective date of the resolution. Senate Concurrent Resolution 2 passed Senate, March 9, 1965; passed House, March 11, 1965.

DEFENSE

Zinc, lead and copper: Authorized the disposal of 200,000 tons each of zinc and lead and the sale of 100,000 short tons of copper to producers and processors. H.R. 1496 passed Senate amended March 11.

Stockpile Act: Provides more statutory guidance on the purpose for which materials would be stockpiled; provides for disclosure to Congress and the public, pertinent information on the management; permits disposals of surplus material without requiring congressional action on each while retaining in Congress the power to disapprove proposed disposals; and makes contracts for furnishing materials to the stockpile subject to the Renegotiation Act. S. 28 passed Senate February 9. (Presidential recommendation.)

ECONOMY

Aid to Appalachia: Authorized $1.092.4 billion in aid to the 11-State Appalachian region; $840 million of this amount will be in the form of Federal grants for a 5-year highway construction program and a 2-year authorization of $252.4 million for a variety of economic development projects. Public Law 89-4. (Presidential recommendation.)

Disaster victims: Directs the Housing and Home Finance Administrator to make an immediate study of alternative programs which could be established to help provide financial assistance to those suffering property losses in flood, earthquake, and other natural disasters, including alternative methods of Federal insurance as well as the existing flood insurance programs. S. 408 passed Senate January 28.

Gold cover: Repeals the requirement of 25 percent gold backing of commercial bank deposits held by the Federal Reserve banks, but retains the 25-percent requirement against Federal Reserve notes in actual circulation. Public Law 89-3. (Presidential recommendation.)

Manpower Act of 1965: Extends the Manpower Development and Training Act to June 30, 1970, authorizes $454 million for fiscal 1966, and provides up to 2 years' training in classrooms or on the job for persons unemployed because they lack education or skills. S. 974 passed Senate March 16. (Presidential recommendation.)

GENERAL GOVERNMENT

Goddard Day: Designates March 16, 1965, as Goddard Day in honor of Dr. Robert Hutchings Goddard, the father of modern-day rocketry. Public Law 89-5.

HEALTH

Community health services extension: Extended four existing grant-in-aid programs authorized by the Public Health Service to provide assistance to the States and their communities in financing essential public health services. S. 510 passed Senate March 11. (Presidential recommendation.)

Loan cancellation: Permits cancellations of a portion of the unpaid balance of a student loan awarded to a physician or dentist who practices in a shortage area. S. 576 passed Senate January 28.

Water pollution control: Vests authority to establish purity standards for interstate water and authorizes $80 million in new grants to help States and localities develop new methods of separating combined storm-water and sewage-carrying sewer systems; increase the dollar ceiling limitations on individual grants for construction of waste treatment works from $600,000 to $1 million for a single project and from $2,400,000 to $4 million for a joint project involving two or more communities. S. 4 passed Senate January 28. (Presidential recommendation.)

HOUSING

Distressed homeowners: Authorize the Veterans' Administration to extend aid to distressed homeowners who, after relying on VA or FHA construction standards and inspections, find structural or other major defects in their properties purchased with GI mortgage loans which affect the livability of the property. S. 507 passed Senate January 27. (Presidential recommendation.)

INTERNATIONAL

Coffee implementation: This bill implements the International Coffee Agreement ratified in 1963, and authorizes the President to require all coffee entering U.S. markets and all exports of coffee to be accompanied by a certificate of origin or a certificate of reexport. Limits imports of coffee from countries which have not joined in the agreement; and requires certain recordkeeping. S. 701 passed Senate February 2. (Presidential recommendation.)

Disarmament Act amendments: Authorizes an appropriation of $20 million for fiscal years 1966 and 1967 for the Disarmament Agency, thus continuing the authorization on the same basis as fiscal years 1964 and 1965. H.R. 2998 passed Senate amended March 9. (Presidential recommendation.)

Inter-American Development Bank: Provides for a $750 million increase in the U.S. contribution to the Fund for Special Operations of the Inter-American Development Bank—over a 3-year period at the rate of $250 million a year. This represents the U.S. share of a planned $900 million increase in the Fund which will serve to strengthen multinational aid and the Alliance for Progress. (Presidential recommendation.) Public Law 89—.

PRESIDENCY

Presidential succession: Proposed an amendment to the Constitution that will totally replace article II, section 1, clause 5, relating to succession to the Presidency and Vice-Presidency. Senate Joint Resolution 1 passed Senate February 19. (Presidential recommendation.)

RESOURCE AND RECREATION BUILDUP

Bighorn Canyon National Recreation Area: Authorizes $355,000 for the establishment of the Bighorn Canyon National Recreation Area in the States of Montana and Wyoming to provide for public outdoor recreation use and enjoyment of the proposed Yellowtail Reservoir, and for the preservation of the scenic, scientific, and historic features of the area. S. 491 passed Senate February 10. (Presidential recommendation.)

Kaniksu National Forest: Authorizes up to $500,000 from the Land and Water Conservation Fund to extend the boundaries of the Kaniksu National Forest to include lands necessary for the protection and conservation of the scenic values and natural environment of Upper Priest Lake in Idaho. S. 435 passed Senate March 4.

Manson Irrigation Unit, Wash.: Authorizes $12.3 million for the construction and operation of the Manson Unit of the Chief Joseph Dam project. The Manson Unit has an irrigation potential of 5,770 acres of land, with half of the costs reimbursable. S. 490 passed Senate February 10.

Nez Perce National Historical Park, Idaho: Authorizes $630,000 for the purchase of 1,500 acres of land to establish the Nez Perce National Historical Park to commemorate, preserve, and interpret the historic values in the early Nez Perce Indian culture, the tribes' war of 1877 with U.S. cavalry troops, the Lewis and Clark Expedition through the area early in the 19th century, subsequent fur trading, gold mining, logging, and missionary activity. S. 60 passed Senate February 10.

River Basin planning: Authorizes Federal grants of $5 million a year in matching funds to States for State project planning over a 10-year period; sets up a Cabinet-level water resources council to coordinate river basin planning; and authorizes creation of river basin commissions for regional planning. S. 21 passed Senate February 25. H.R. 1111 House Calendar (Presidential recommendation).

Yakima project Washington: Authorizes $5.1 million for the extension, construction, and operation of the Kennewick division of the Yakima project with an irrigation potential of 7,000 additional acres (present irrigated acreage is 19,000). All but approximately $135,000 is reimbursable. S. 794 passed Senate February 10.

TAXES

Motor Fuels taxation compact: Grants the consent of Congress to any of the several States and the District Columbia to enter into a compact relating to taxation of motor fuels consumed by interstate buses and to an agreement relating to bus taxation, proration, and reciprocity. S. 307 passed Senate March 15.

PROGRAM FOR CONSTRUCTION OF FARM PONDS FOR FISH FARMING

Mr. CARLSON. Mr. President, the U.S. Department of Agriculture is presently studying ways and means whereby farmers can develop new sources of income from their land.

An interesting proposal for supplying farmers of Kansas with a new source of farm income is rapidly reaching a stage of practical operation.

Basically this program provides for a landowner to construct water impoundments, generally known as farm ponds, for the purpose of fish farming. This is not some visionary and impractical program as it might first suggest.

Some years ago the Kansas government established the State Biological Survey of Kansas, a legislative agency to research and develop our State's natural resources. Funds were allotted to this agency for a study and research program on commercial production of channel catfish. This study, under the direction of Dr. E. Raymond Hall and Frank Cross, of the University of Kansas, has demonstrated that the commercial production of channel catfish can be accomplished under certain conditions.

A group of Kansas citizens and business leaders interested in the development of this program are cooperating with Federal and State agencies, and should, in the near future, supply production and marketing information to

those farmers interested. It is reported that under favorable conditions, fish farmers can expect a substantial added income to their farming operations.

PROBLEMS OF FARM COOPERATIVES

Mr. CARLSON. Mr. President, the annual meeting of the Farmers Union Cooperative Marketing Association was held in Kansas City, Mo., on March 9, 1965.

Representative of the Department of Agriculture, representatives of cooperatives from several States and others interested in the marketing of grain were in attendance at this meeting.

Mr. J. H. Dean, general manager of the Farmers Cooperative Commission, Hutchinson, Kans., delivered one of the outstanding addresses at the meeting and I ask unanimous consent that his address be made a part of these remarks.

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

To anyone who has spent most of his adult life in the service of grain cooperatives, it is a great inspiration to visit your cooperative and attend a meeting such as you are holding here.

I want to congratulate you on what you have accomplished and the progressive spirit in which you are facing the future.

I began working for cooperatives as a very young man. My father was manager of a local grain cooperative and I learned something about an elevator well before I finished high school.

After spending several years working for the Farmers Union Jobbing Association and managing local cooperatives, I was selected as manager of the Farmers Cooperative Commission Co. This organization began just a half century ago, with a modest program of selling grain for a number of farmer-owned elevators in the territory, on a consignment basis, and its earnings were modest for many years. But, the farmers in southwest Kansas came to support it strongly. They had a dream which is gradually being realized through this regional or federated cooperative—a dream of marketing their grain to the very best advantage—selling their grain through cooperatives every step of the way—even to oversea export whenever possible.

It has given me great personal satisfaction to work with the farmers of our territory and with the managers of the local cooperative elevators which they have built up over the years. It has, also, given me great pleasure to work with the other regional cooperative associations through our membership in the National Federation of Grain Cooperatives and Producers' Export Co.

We learn from each other and the more we cooperate with each other, the more we learn.

Out of all this, I have come to have a deep and abiding faith in the ability of farmers, given strong leadership, to cooperate together for their common economic good.

The mission of grain cooperatives is clear and the challenge to them of doing a better and better job on behalf of their members intrigues me.

Today, in visiting with you, I want to touch on many concerns which are common to grain farmers everywhere and to the cooperatives created to serve them.

We start with a simple, basic fact. It is that a grain cooperative, whether a local or a regional association, whether it is located in Kansas, Missouri, Colorado, or anywhere else, has the same solid assignment: (1) To market the farmer's grain to the best advantage, now and in the future, and (2) to serve the farmer's interest broadly and in the wisest and most efficient manner possible.

The success of any cooperative is determined by just how well it does its job. In speaking of success, I do not mean simply how much money it makes. The finances of any cooperative, of course, is important, but the real success is in the kind of representation it gives the farmer. It must be outstanding in its marketing activities. It must reflect for the farmers it represents the highest degree of integrity and business principles. It must provide the farmers the instrument through which they may acquire unity and understanding.

Only can these principles be carried out, to the extent they are actually practiced by the various cooperatives in the overall cooperative link.

That some local cooperatives join together to form a federated or regional cooperative and then fail to support it and patronize it to the maximum is something I have never understood. It simply makes no sense to me, today, or on any other day, or in any other place.

As a local manager in Kansas, with the strong support of my own farmer-board members, we saw to it that our cooperatives supported their regional. As the manager of a regional, I have had wonderful support from locals, from their managers, and their farmer-members. We have one member who has not marketed a bushel of grain outside the regional during the past 27 years and, incidentally, this is one of our most successful organizations. There are many of them that have nearly as good a record.

Unless you start with the spirit of cooperation, and an earnest desire to work together, the potential in any situation cannot be realized. To succeed, farmers simply have to agree upon some fundamentals, some common objectives of the role they assign to their local managers and to the overall relationship of their local cooperative to the regional association.

There will always be problems; there will always be difficulties in what we might call simply the chemistry of personal relationships. But, unless there is teamwork, unless there is a desire to work together for a common cause, the potential of a cooperative investment in facilities, in personnel, in working capital, cannot possibly be realized.

Certainly, it is healthy for us to examine, each in our own bailiwick, the quality and helpfulness of the current relationships between producers, local managers, local boards, regional directors, and regional management team.

These should be examined frequently to insure that all are working together as eagerly and effectively as is possible, that they all understand the unity of their purpose, their common objectives, and that they adjust promptly or remedy without delay whatever deficiencies may exist, to insure the success of their venture.

There is always the need for basic harmony and cooperatives have to work at this all the time. There have to be leaders and there have to be followers. But, most important, there has to be common understanding and agreement on objectives.

This brings me to what is, perhaps, the most fundamental of necessities in getting teamwork out of all elements, all units, all people, spread over a considerable territory which is the field of operation of your cooperative.

Communication must be good. It must be clear communication and it must be frequent.

To achieve maximum marketing efficiency in a time when operating margins are low, when revenue from storage from the Government has fallen off sharply, it is increasingly necessary, so as to avoid waste, that locals and their regionals function on behalf of producers as a single system. They must work together as in the case of a highly civilized family.

Margins in grain merchandising at the present time are thin. In a sense, it can be said that cooperatives may have done their job too well. Historically, we know that marketing margins in grain before cooperatives moved into the picture strongly were often very large. Farmers through their cooperatives entered into the marketing process and step by step, they have increased the efficiency of marketing, reduced the marketing toll, and realized for farmers a larger share of the price paid by the users of wheat and other grains.

Thus, the efficiency of marketing achieved by cooperatives as competitors has, perhaps, penalized cooperatives if their achievements are to be measured entirely in terms of profit and loss statements, of savings available for payment as cash patronage.

But, few intelligent farmers would want to employ such a test or to give up their cooperatives, even though the benefits of cooperatives have sometimes flowed, also, to farmers who haven't joined in leading or financing cooperative enterprise. Farmers are satisfied that they get better service through the marketing institutions they own and control. At the very minimum, they want a yardstick by which to measure the performance of others who seek their business. The cooperative is always under scrutiny under competitive pressure. But, why not?

In this country, it is true that, historically, farmers have supported cooperatives quite well. They have learned to understand and appreciate the cooperative method of economic organization. In fact, it can be said that they have learned to use such organization more wisely and more intensively than any other group in our society, except for some of the specialized groups such as grain merchants, doctors, lawyers, bankers, union members, and other strongly organized groups.

Farmers have found that cooperatives serve their purpose well and efficiently in good times and bad and in depressions and in times of surplus.

The climate in which cooperatives function, so far as agriculture is concerned in this country, is one of continuing, almost violent change in a technological sense. We face even more change in the future.

Farming has and is undergoing marked changes in this country, not only with respect to grain and oilseed products, but in virtually every type of farming from turkeys, broilers, to fruits, and vegetables.

The question arises: Will cooperatives be needed as much? Will they be harnessed to serve the producers of the future, as in the past, or are there major changes in sight for cooperatives as well as for their farmer members?

I believe the need for good, strong, well-managed cooperatives will grow and not decline.

There is a continual flow of statistics all about us, pointing to the fact that farms are becoming larger. This raises the question whether the farmer of the future, with a substantial increase in the average size of his operation, will need cooperatives. Or will he be able to go it alone, succeeding best as a rugged individualist with little or no teamwork with his neighbors? In my opinion, it will be a long time before farmers can go it alone and disregard their neighbors' interest.

The national economy will grow bigger just as fast as he does and one important thing we need to keep in mind is that his numbers are declining and his voice is not as strong as it once was. The fewer his numbers, the weaker his voice becomes. This, coupled with the fact he will be competing in an economy of bigness, makes it imperative that farmers join together so that they may have unity in their ranks to speak strongly as a close knit group.

Unless we are alert enough to recognize what is going on around us and wise enough to utilize the resources we have in the proper manner, we haven't a chance of maintaining the position we deserve in this complex and expanding economy in which we are forced to compete.

It is my firm conviction that cooperatives offer the farmer the best vehicle available to him through which he can acquire that strength and unity he must have. Through cooperatives we have the organizational structure to maintain control in the hands of the individual farmers. He can move into action quickly and effectively. Through these organizations, he has the resources and the means to put them to work as and how they are needed.

There is a real challenge facing the leaders of our cooperatives. Just how we meet this challenge will depend on the leadership we provide. All of us here, today, have accepted a share of the leadership responsibility and it is up to us to make a clear appraisal of our situation and lay our plans for the days ahead.

Certainly, it is necessary that all our organizations operate in as efficient a manner as possible. One of the key factors in efficiency is the selection and training of personnel. This is one place where I feel we need to give considerable attention. I think all of us have placed too much emphasis on patronage refunds. We have relied too much on these to maintain the loyalty of our members. It is evident that the savings of grain marketing cooperatives are on the decline due to loss of storage revenue and unless we can provide other incentives to maintain the loyalty of our members, we will find ourselves in serious trouble. We must, then, have properly trained personnel willing to exert the necessary effort to provide our patrons the very best possible service. There needs to be an understanding of the needs of the individual patrons and efforts made to meet those needs. Our cooperatives should serve as an information and service center for farmers and this requires competent and energetic personnel.

It is said that the young farmers are less likely to appreciate cooperatives, that they have not been aware of the struggles or the conditions out of which cooperatives grew and of the nature of protest which helped give many cooperatives their initial creative steam and drive.

In the case of the young farmer, I believe that too many cooperatives are tending to neglect him. At least, I find that many young farmers feel that they are overlooked. Whether their feeling is accurate, it is a fact that it exists and it is high time that cooperatives take such feeling into account and invite and encourage far greater participation in the affairs of cooperatives, both local and regional, on the part of the younger generation of farmers.

It was a little over a half century ago that cooperatives were taking root in this area of the country. Every town scattered over the land, regardless of its size, served as the trading center for the adjacent rural community. Cooperatives became a part of the business activity in those towns, each maintaining their own individual organization with its board of directors and manager. In recent years, there has been a steady flow of business institutions out of the small communities moving into the larger trading centers. This is all a result of the narrowing of margins and the need for greater volume for business to exist. Cooperatives are no different than other business and they are feeling the same pressures as experienced by other business.

It would seem, then, that farmers have some important decisions to make regarding their cooperative organizations. It may be that we are ready for a general analysis of our entire marketing system to determine what steps need be taken to create the greatest efficiency, reduce overhead costs and provide better services. This, I think, would apply to both local and regional organizations. We should be able to take advantage of our potential volume to the ultimate benefit of the farmer-member. Certainly, cooperatives need to work together more closely than ever and, perhaps, actual mergers may be advisable in some cases. In recent years, we have seen consolidation of effort in various forms accomplish some very desirable results.

The Farmers Cooperative Commission Co. has and will seek to work with other groups in meeting some of the major problems of agriculture. This takes many forms.

When the Government was unable to arrive at a policy relating to farm production and chose to acquire very substantial stocks of grain under price-support programs, we expanded our storage facilities. This was done to help our farmer-members qualify for price supports. The expansion was in keeping with the expression of desire on the part of Government officials who were in charge in both Democratic and Republican administrations.

As a result of this, we greatly expanded our storage facilities at both Hutchinson and Wichita, Kans., and we now have storage capacity of 32 million bushels. This may be somewhat excessive in terms of normal needs, but we are not entirely sure what "normal" means anymore in agriculture. This is a fast-growing country and in only 6 years from now, we are expected to exceed 200 million people in our population.

In more recent years, our regional cooperative, with the approval of its stockholders in the grain-producing area of southwest Kansas, has made a very substantial investment in processing facilities for bulgur, also, at the request of the Government. The Government decided that it desired to have bulgur manufactured for export to many of the underprivileged and underdeveloped countries of the world, because this fine product facilitated the promotion of school lunches and other feeding programs.

From time to time, I am sure, there will be other projects where our farmers will be asked through their cooperative to cooperate with the Government. It is only one of the many purposes which we feel the cooperative was designed to serve and we intend to maintain good relationships with the Government of our country. Our farmer-members are very clear on this.

At this point, I will discuss an area where there is great variation among cooperatives—the role of such institutions in the development and enactment of farm legislation.

The field of farm programs is controversial. You know that situation well. Personally, I feel that, at the very minimum, cooperatives should seek to give accurate and detailed information to its membership with respect to such programs and whatever explanation is necessary to communicate the objectives, climate, and framework of the programs so they and their purpose may be understood. Farm programs are pretty basic to grain farmers today. We will see farm programs in some form for many years because of the problem of keeping farm prices and income up.

It is not unfair to say that very little that is final or fixed or permanent has so far come to pass in the evolution of farm legislated programs in this country. We have, now, been at it for roughly one-third of a century. Every program is dealt with as if it were an emergency. Every act has to be reenacted every year or two.

The current policy of legislation aimed to solve the farm problem really began with the special session of Congress called in March 1929, by Herbert Hoover, soon after his inauguration. He had been elected President in 1928. The Federal Farm Board, the Farmers National Grain Corp., and other developments grew out of the Agricultural Marketing Act he sponsored and Congress passed in 1929.

Subsequently, the Agricultural Adjustment Administration, the Commodity Credit Corporation, and other institutions came into being with the coming of the Roosevelt administration in 1933.

In this long period of trial and error, from 1929 through 1964, programs were undertaken to improve farm prices and income, which have only a few permanent features. And public debate is mercurial and often controversial and, worst of all, farmers are divided and so are their organizations.

But, meantime, the sick patient—the farming community—is undergoing change. In 1935, there were 6.8 million farms; now there are fewer than 3.5 million. It is estimated that by 1980, there will be fewer than 1 million.

As farmers leave, the land stays, and it is consolidated into larger and larger units with more and more machinery employed to raise bigger and bigger crops.

Actually, the reduction in the number of farms continues to go on and the end is far from being in sight. It is sometimes estimated that fewer than 2 or 3 percent of our population ultimately will be engaged in the operation on the land. Indeed, even at the present time, the top 3 percent of the farms produces more than does 80 percent of the smaller and poorer farms. Between these two extremes, there is some 18 percent of the farms, medium-sized operations, where the owners are doing quite well.

Consider that in 1930, when the effort to solve the farm problem was just getting underway, only 28 percent of all agricultural land took the form of farms consisting of 1,000 acres or more. By 1959, the average size of 3.7 percent of all farms averaged 4,048 acres and accounted for 49 percent of all the land. Thus, we find that 100,000 of the top farms produce nearly a third of all the crops and livestock. These farms average in value $220,000 each and have average annual sales of $94,000.

These larger farms are likely to become larger. Their growth is a matter which is giving more and more concern to many people who feel that this is not a desirable pattern. But, there is national policy and big farms are likely to grow bigger and small farms will continue to fade away.

At the lower end of the farm picture, there is a declining number of farms, the smaller, less secure farms, some 2.9 million in all, with average annual sales of only $3,000. Between the large ones and the small farms, there are 700,000 farms that have annual sales averaging $18,000.

I think that we are about to see a new debate over permanent farm policy and programs that seem to me long overdue.

It seems clear that programs cannot be repealed and the problems left to solve themselves. The present programs have overexpanded the role of Government.

A program that would move toward a freer-market economy, possibly with greater use of production payments, has growing support. The role of cooperatives, owned and controlled by farmers themselves, can and should be expanded.

I am satisfied that the voluntary wheat certificate plan is working better than most people expected. But, the same program cannot be used for feed grains.

We cannot write a farm program here today. But, I think we can agree that programs should be written with the greatest care and that cooperatives should have a more important role in their development.

The makeup of agriculture is conducive to those elements that tend to deter coordination and unity. This is why so many attempts have been made and so many organizations developed to deal with the prob-

lems. Unfortunately, many of the same elements that deter unity of individuals work the same way in organizations. For this reason, we have, up to this time, failed to reach an area of common ground.

It is my opinion that cooperatives provide the farmers of this country this area of common ground and I believe if we make proper use of them, we can develop the coordination and unity to accomplish our goals.

The National Federation of Grain Cooperatives is a living example of what can be done. Here grain marketing cooperatives have come together to deal with their marketing problems as a single unit. It has been successful and farmers have received the benefits.

This is why cooperatives are strong in the field of grain marketing today.

I am convinced benefits to farmers can be developed in other areas through their cooperatives. I hope they will put them to use and take advantage of their opportunities.

A REAPPRAISAL OF POSTWAR FARM POLICIES

Mr. CARLSON. Mr. President, it was my privilege to speak at the annual meeting of the Farmers Union Cooperative Marketing Association at Kansas City on March 9.

At that time I presented to the association a reappraisal of postwar farm policies as I view them.

I ask unanimous consent that the speech be made a part of my remarks.

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

A REAPPRAISAL OF POSTWAR FARM POLICIES

(Speech by Senator FRANK CARLSON, Farmers Union Co-op Marketing Association, Kansas City, Mar. 9, 1965)

Mr. Chairman and members of the Farmers Union Co-op Marketing Association, it is always a pleasure to meet with the officers and members of this organization, which is devoted to expanding and improving the marketing of farm products.

I had been wanting to make a reappraisal of farm policy developments since World War II and your invitation gave me such an opportunity.

Agriculture is the most misrepresented and least understood segment of our economy. Much of what is written about agriculture, particularly in magazine articles, paints an untrue and distorted picture.

Agriculture is far more important to our overall national economy than many people seem to realize. Farmers are still the biggest purchasers of such important items as steel, rubber, and petroleum. Their purchases for operating expenses alone are in excess of $10 billion. While agriculture only represents 7 percent of our total population, it has a total investment of $226 billion. This equals two-thirds of the total current assets of all corporations of the United States put together.

The agriculture budget for the present fiscal year is approximately $8 billion. Most people believe that farmers receive subsidy checks for the total amount of this nearly $8 billion. Nothing could be further from the truth. Over half of the total agriculture budget is of more help and benefit to nonfarmers than it is to farmers. Some of these are the food-for-peace program, the school lunch program, REA, RTA, and FHA loans.

Do you realize that two decades—or 20 years—have passed since the end of World War II?

What tremendous changes in farming, food processing, and food marketing have occurred in these past 20 years. I don't know how you feel about these last two decades, but I take pride as I look back at the record of our country and our farm policies.

None of the political and economic disasters we feared at the end of that war have occurred. We have avoided a major economic collapse such as followed World War I and most previous wars.

We have improved the quality, quantity, and variety of foods offered consumers more than in any previous 20-year period.

Not only has farm output increased by more than a third, but meat animal and other livestock products have increased by a similar percentage. The average person in a year now eats 38 pounds more red meat and poultry than two decades earlier.

Per capita consumption of frozen fruits and vegetables has more than tripled.

Farmers in addition to producing increased supplies of most desired foods for domestic consumers have increased greatly both commercial and noncommercial exports of foods and fibers.

It is true that retail food prices are about one-third higher than 20 years ago, in spite of a 15-percent decline in farm prices. Even though marketing margins have been increased sharply and diets have been upgraded, consumers are now spending only 18.5 percent of their income on food as compared with 22.8 percent 20 years ago. And here is another significant development—the near record farm production in 1964 was achieved with 40 percent fewer workers than 20 years ago.

These and many more facts I could cite lead me to conclude that the farm policy of the United States in these postwar years has been a brilliant success in all respects, except in maintaining farmers' incomes at satisfactory levels.

Federal and State Governments have continued to cooperate in scientific and educational programs which have fostered a rapid advance in productivity. Potential farm production is now increasing three times as fast as 30 years ago.

The major thrust of America's public programs for agriculture over the past 100 years has been toward increasing production. This has continued since World War II. These expansionist policies have given us the most productive agriculture in the world in terms of output per worker.

However, as the Nation has grown richer—and better fed—greater and greater price discounts are required to induce consumers to buy more food. Without Government programs to hold supplies somewhat in check—without price supports and diversion programs—net farm income would have fallen to disaster levels in the last few years.

I am well aware of the widespread grumbling about the inconveniences and cost of price support and diversion programs. But it should not be surprising that after more than half a century of intensive public programs to increase farm production that we are confronted with an imbalance in the rates of growth of supply and markets.

Programs to help protect farmers from the adverse economic effects of their excess production are really an essential part of a balanced farm policy in our relatively well-to-do, well-fed society.

I am convinced that Government programs to assist farmers in balancing their production with market outlets at reasonably stable prices are a small price to pay for a modern, progressive, efficient food and fiber industry. No other country in the world has an agricultural industry comparable to ours.

Under extremely tight acreage allotments, U.S. farmers are turning out between 1 and 1½ billion bushels of wheat. But our production potential is far above this figure—perhaps as much as 2 billion bushels more. Acreage allotments limit wheat farmers in the use of their productive resources; they are denied the opportunity of making efficient use of their land, their equipment, their labor and their management skills. This has meant loss in farm income—losses which have been passed on to their communities and to the Nation as well.

Our competitors, with whom we see eye to eye on most things, have been selling to all nations, Communist and non-Communist alike. On the strength of their record sales, both Canada and Australia are operating at peak production. Growers in neither country are troubled with acreage allotments which are common to U.S. growers. In fact, governments of both countries have been encouraging increased production, while keeping carryover stocks in manageable supply. We have voluntarily locked ourselves out of certain markets and denied ourselves sales opportunities. But plenty of wheat is available to Soviet bloc nations from our competitors.

Volume of trade between East and West is rising steadily. The United States is selling a wide range of goods and commodities to the Soviet Union and to other East European countries. But wheat, alone among all such trade in commodities and goods, was subjected to an unusual requirement. Its sale was dependent upon the use of American ships in transporting a certain portion of the total shipments to the Soviet bloc nations. No such requirements are made for corn, oats, barley, rye, soybeans, and grain sorghums. It is difficult to understand why wheat should be singled out for discrimination. This action not only sets a dangerous precedent in a commercial transaction, but it also can be used by other countries as justification for retaliatory action. This comes at a time when the United States is working with other nations to remove trade restrictions and to adopt policies which will improve the flow of goods and commodities in world trade.

As a Senator from Kansas, I receive many letters every week from farmers complaining about farm prices—urging that the Government take additional action to improve them. But I also receive many letters and visits from nonfarm people protesting Government interference in farmers' plans and protesting about the cost of farm programs.

There also have been a number of surveys recently which indicate a majority of farmers would like to have Government programs move toward freer markets. I share this view and hope the time will arrive when we can operate under a free market system.

Only a few weeks ago the Senate Agriculture Committee issued a report prepared by the Legislative Reference Service of the Library of Congress. It concluded that without Government price support and diversion programs the past few years, over 5 percent more farm products would have moved through commercial markets, dropping prices 20 percent or more.

The break-even point in farming has moved up rapidly in these postwar years. Twenty years ago production expenses took 55 percent of the average farmer's cash receipts from farm marketing. Ten years ago production expenses were taking 74 percent of his cash receipts. In 1965 over 80 percent of the average farmer's cash receipts from farm marketings will have to go for production expenses.

Except for the farm programs in recent years, net farm income would have declined by some $6 billion or about 50 percent—according to the Senate Agriculture Committee report and university studies.

In 1961–63 fewer than 200,000 of the total 3.6 million farmers in this country received returns for their capital and labor which equaled the returns received by comparable capital and labor in other industries.

With the help of the farm programs, most of the 1.5 million farmers who produce over 90 percent of the farm products still received

less than parity returns on their productive assets and labor.

In the light of these facts, I conclude when farmers report they would like to have Government programs move toward freer markets, they are reflecting irritation with the regulations which are a part of price support programs. But I doubt that they would willingly accept lower prices and incomes.

I, too, would like to see farm programs move toward freer markets if this does not mean lower incomes for farmers. And, I would like to reduce the cost of Government programs to the extent this can be done without reducing farm income.

When evaluating the cost of farm programs, we should keep in mind that with the farm programs we have had in the past 20 years, American consumers' food costs are now the lowest in history by any relevant standards—and American agriculture's efficiency is unexcelled. Farmers' freedom also has been increased by recent changes in the programs.

If the Government cost of price support and diversion programs were added to the consumers' grocery bills, I am told they would be increased only 5 percent and they would still be the lowest ever in relation to workers' wages.

High as they are, Government costs for the farm programs in recent years have averaged about 1 percent of consumers' expenditures. When I review the progress in farm production, food processing, and food marketing in the past 20 years, I wonder if we really have any reason to complain—except that most farm families' incomes are still too low in comparison with the earnings of others in our booming economy.

Quite frankly, I am concerned about the current trend in farm debts in relation to farm income. Twenty years ago farmers' total long- and short-term debts were about 60 percent of their annual realized net income. Ten years ago farmers' debts were 1.5 times their annual net income. Today they are 2.2 times their annual net income.

Farmers' long- and short-term debts have increased by some $13 billion in the past 5 years. This concerns me even though land values are reported to have increased even more. Debts must be paid out of income in most cases. If many farmers had to sell their farms to pay their debts, land prices might fall instead of continuing to rise each year. A fall in land values would lessen the security of other mortgages.

Noting this trend in national farm debts, I looked into the situation in my own State of Kansas. I found that 10 years ago long- and short-term debts were slightly more than twice Kansas farmers' annual net income. Farm debt in Kansas has doubled in the past 10 years and is now three times farmers' annual net income.

In the light of all these facts, I was encouraged to hear recently that the administration plans to recommend an extension of existing price support legislation, with modifications to reduce Government costs where this can be done without lowering farm income.

It is my hope that this can be done and at the same time remove the redtape and irrigating regulations which result in most of the criticism of the program.

I am told that the wheat certificate program—which I advocated for several years before it was adopted—is working satisfactorily and it may be adopted for rice this year and for tobacco within the next few years.

At the opening of this session of Congress, Senator MILT YOUNG and I and others reintroduced the wheat certificate bill that we sponsored in the last session of Congress. This bill would increase the price of domestically consumed wheat to 100 percent of parity, and it has several other features that would be of material benefit to the wheatgrowers of this Nation.

Had the administration approved this bill in the last session of Congress, the wheatgrowers of this Nation would have received substantially larger incomes and I sincerely hope this session of Congress will be willing to adopt our proposal.

The farmers of this Nation are entitled to receive their fair share of the national income and they ask for no more.

Farm programs have been changed too frequently in the past 4 years. They have become unnecessarily complicated.

Too much of the discussion of the current stocks of wheat and other storable commodities held by the Commodity Credit Corporation is in terms of geting rid of undesirable surpluses. Our wheat stocks especially are as low as we should allow them to go in the light of our world leadership responsibilities.

We must carry ample reserves of wheat and other farm products as an essential part of a well-rounded farm policy. But the cost of carrying such reserves should not be charged to farmers. It is the consumers in this country and in other friendly countries who benefit from these reserves. The cost of carrying them should be charged accordingly.

Our overall surpluses of farm commodities are not as great as many would lead you to believe. In the unsettled world in which we live, national security dictates that we must maintain sizable stocks of certain commodities. Our present stocks of strategic war materials such as metals, diamonds, and rubber held by the Federal Government represent a cost of more than $8.5 billion. We hear little about the cost of maintaining this huge stockpile.

Our food and fiber stockpile owned by the Federal Government, which is of far greater importance to our national security, is only $4.7 billion. It would be more realistic if this stockpile were added to the $8.5 billion strategic stockpile of other material and not have the cost of maintaining it charged to the farm budget, as it is now.

While I agree with President Johnson that assistance must be given to the half or more of the rural people who produce few—if any—farm products for the market, little will be gained if our commercial farmers are unable to make financial progress. I put the improvement of the average commercial farm family's income high on the list of rural welfare programs.

Summing up the reappraisal of postwar farm policies, I again want to stress the great contribution that has been made by agriculture during the past two decades.

Based on national income, the production of our farmers has given our consumers the greatest supply of wholesome food—at the lowest price—in our Nation's history.

Not only that, our farmers are furnishing food and fiber that is being used the world over to improve the standard of living of millions of people in underdeveloped countries.

The farmer is still the stabilizing influence in this Nation of ours and as Gifford Pinchot said years ago, "As the farmer prospers, so prospers the Nation."

AN IMMORAL LAW

Mr. TALMADGE. Mr. President, in today's issue of the Wall Street Journal, under the heading, "Review and Outlook," there appears an outstanding editorial entitled "An Immoral Law," which deals with the administration's so-called voting rights bill. The editorial points out that the bill is not only unconstitutional, but would treat the States in a different manner under the operation of the proposed legislation. In other words, some States could have literacy standards, other States could not. Some States could have moral standards, other States could not. I hope that every Member of Congress will read this outstanding editorial. I ask unanimous consent that it be printed in the RECORD.

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

REVIEW AND OUTLOOK: AN IMMORAL LAW

When President Johnson last Monday asked Congress for a new law to safeguard the voting rights of Negro citizens he rested his case on the Constitution and on a basic principle of morality.

What he has now proposed that the Congress do is enact a law which would violate that Constitution he asks us not to flout and, more, which is itself immoral.

If you think not so, consider:

The administration bill offers a formula—a complicated one, which we will come to in a moment—to prohibit certain States from using any test of a citizen's ability to read and write our language as a qualification for voting.

The argument for doing this is the 15th amendment to the Constitution which provides, clearly enough, that neither the Federal Government nor any State shall deprive a citizen of his vote on account of his race or color.

But the proposed bill does not stop with providing means against the violation of the 15th amendment. It does not aim at insuring that any such State literacy test shall be fairly drawn and impartially administered so that it may not be used as an excuse to deprive anyone of his vote on account of his race.

The effect—and indeed the purpose—would be to abolish such tests entirely in the affected States. And that flies squarely in the face of this selfsame Constitution which the President professes to uphold.

The very first article of that Constitution authorizes the individual States to decide the qualifications of voters in both Federal and State elections, subject only to the proviso that whoever is deemed qualified to vote for the most numerous branch of the State legislature is automatically qualified to vote in Federal elections.

Making this a State function was no casual decision. It was reaffirmed in identical language in the 17th amendment—adopted, incidentally, more than 40 years after the 15th amendment, which provided that all such qualifications should be impartially applied among all citizens.

This principle in the Constitution has been repeatedly upheld and affirmed by the U.S. Supreme Court, not merely in dusty antiquity but as recently as 1959 by judges presently sitting upon that bench.

Now we are well aware that there are a good many people, and perhaps the President is included, who oppose any literacy requirement. They say that a man's illiteracy is irrelevant to the question of having his judgment counted in public affairs. No man can quarrel with the right of such people to argue their case and, if persuasive, to alter the Constitution so as to prohibit them.

But the requirement that voters be able to read and write is by no means restricted to those Southern States now the object of this special legislation. Many others—including New York State—require that qualification, as the Constitution entitles them to do.

If it is immoral, as the President says, to deprive a qualified citizen of his right to vote "under color of a literacy test," is it moral to violate one part of the Constitution under the color of upholding another which is in no wise in conflict?

Nor does the question end there, for what this bill proposes to do is to set up a double standard. Some States would be permitted to keep their literacy requirement. Others would not.

The formula prescribed is that of a ratio between the number of persons of voting age within a State and the number of voters in an election. If 50 percent or more of the voting age inhabitants do vote, then the State is absolved. The Federal authorities will keep out, and the State may set its own qualifications for voters, including literacy tests. Otherwise, no.

This formula has been carefully devised so that in practice it is expected to apply only to six States: Alabama, Louisiana, Mississippi, Georgia, South Carolina, and Virginia. In these States the Federal authorities would not only have the right to supervise voter registration but to abolish the voter qualifications they don't like.

A few moments' reflection on this formula will suggest such weight paradoxes, and the possibility of such strange discriminations, as to stagger the mind.

A minor one is that a strict application of the formula would probably make it applicable to Alaska. However, a way has been devised to exempt it, which as much as anything suggests that the intent is not to write a general rule of law but to subject certain States to special laws.

Not so minor, but certainly weird, is the provision that a person once registered as a voter by the Federal authorities will be stricken from the list if he fails to vote "at least once during 3 consecutive years while listed." In short, you have to vote or you can't.

Of more consequence is the fact that if we have this law a citizen, white or Negro, can be entitled to a vote in Alabama no matter how illiterate he is, or for that matter even if he is a moron. But if the same citizen, white or Negro, lives in New York State he will not be entitled to vote.

This would create truly a ingenious paradox. The illiterate citizen, Negro or otherwise, would find himself with more rights in Alabama and her five outcast sister States than in the great State of New York. Moreover, the educational level of the voting citizens of Alabama, the low level of which is part of the general complaint against it by civil rights leaders, would be further reduced. And this by Federal sanction.

Unfortunately, the irony is not funny. Beneath the paradox lies a serious question. Is it moral that our national laws should apply one rule to one State and another to another, requiring that the people of one State abolish qualifications for voters while the people of another State may uphold their standards?

Nor is that the end of the consequences of that weird formula. Recall that it permits the Federal Government to put all this machinery in motion, the takeover of the whole voting procedure by Federal authorities, only when the voting percentage of a State falls below 50 percent of the voting age population. If there was ever a devise open to what President Johnson calls manipulation, this is it.

So long as a State contrives that one-half of its adults vote, it is free of the formula. This will not be overlooked by ingenious men who can contrive many things when justice is measured by percentages.

And this brings us to what we think is the fundamental immorality of this proposed law, unintentioned though it may be by those who drew it.

Any citizen, white or Negro, has the right to be treated by the law like all other citizens. If he has to meet qualifications to vote—age or any other—they must be only the qualifications asked of all. If he qualifies like any other he has the right to vote, and to deny him that right is to deny him what is inalienably his.

It makes no difference whether 99 percent of his neighbors vote or whether only 20 percent do. It makes no difference whether he has voted in the last three elections, or in none at all before he presents himself at the polls. His right is to vote or not vote as he pleases.

That is the whole of the moral issue. And the whole duty of government, insofar as it touches this matter, is to see that all equally can exercise this right.

The constitutional duty of the Federal Government is to see that this right is not abridged—anywhere, populous States or sparse States, Northern States or Southern States, where many go to the polls or where few take the trouble to. The means of assuring this—everywhere—is what any Federal voting law ought to do, and all it ought to do.

To play with complicated formulas, to measure justice by percentages, and to aim punitive laws at some States, not only violates both the letter and the spirit of the Constitution but buries the real moral question in sophistry.

DIRECT PAYMENT PROGRAM FOR WOOL

Mr. TALMADGE. Mr. President, prior to the enactment by Congress of the National Wool Act of 1954, there was in effect a price support loan program for wool somewhat similar to our price support loan programs for cotton and other commodities.

The price support loan and purchase program for wool was not working. Our domestic wool producers were not able to compete with wool imports or with synthetic fibers.

The Commodity Credit Corporation was forced to acquire hundreds of millions of pounds of wool and then try to dispose of it in the market.

At the time the National Wool Act of 1954 was passed, the CCC had more than 100 million pounds of wool in inventory.

The National Wool Act of 1954 switched our price support program for wool from a loan program to one of direct payments to the producers.

The results were dramatic. Within 2 years the Commodity Credit Corporation was able to dispose of its wool inventories. And the Government has not been burdened with wool stocks since that time.

The direct payment program for wool has proven to be a highly efficient method of price support to our wool producers while at the same time permitting our domestic wool to better compete with imports and synthetic fibers.

This program has helped the wool producers. It has been an incentive to produce a better quality of wool, putting a premium on good marketing practices and enabling the producers to increase their incomes.

It has kept domestic production and consumption of domestically produced wool much higher than if we had kept the old, costly, inefficient loan program.

The program has worked so well, has been so successful and so efficient that Congress has seen fit twice to extend the Wool Act by overwhelming votes, and at this session I am sure we are going to extend it again.

The National Wool Growers Association only a few weeks ago adopted a resolution asking that the Wool Act program be renewed again.

Mr. President, it seems to me that this is the sort of program we ought to adopt for cotton—a program of direct payments instead of our present costly loan program.

As I mentioned a few days ago on the floor of the Senate, the Commodity Credit Corporation has an inventory of 7.3 million bales of cotton and another 6.2 million bales under loan.

That is 13½ million bales of cotton. And, we do not need to have that much cotton in our warehouses, either under loan or owned outright by the Government.

We have $2.2 billion of the taxpayers money tied up in cotton, either under loan or owned outright by the Government.

That is not good business, Mr. President. It is not good business for the Government or for the taxpayers who support our Government.

This cotton ought not to be sitting in the warehouses. It ought to be moving in the trade. The Government ought not to be in the business of buying, storing, shipping and selling cotton.

I hope some day, Mr. President, we can do for cotton what we have done for wool—move away from the price support loan program to a more efficient and less costly program of direct payments. And take the Government out of the business of buying, storing, and shipping cotton.

There is no reason why a direct payment program that has worked so well for wool cannot also work successfully for cotton.

Admittedly, we have different problems in these two commodities. We have an overproduction problem in cotton, and an underproduction problem in wool.

But, this does not alter the fact that by switching from a loan program to a direct payment program for cotton, we can take the Government out of the business of buying, storing, shipping and selling cotton, and we can save the taxpayers billions of dollars.

When we take up new farm legislation, probably within a few days or weeks, Mr. President, I hope we can renew the Wool Act, and I hope we can move in that same direction with cotton—toward direct, compensatory payments that will enable us to get rid of our Government holdings in cotton, be an incentive to farmers to control cotton production, make our cotton more competitive on the world market, free the farmers from so much redtape, maintain farm income, and reduce taxpayer costs.

EASTER RECESS

Mr. MANSFIELD. Mr. President, on January 12 the leadership announced to the Senate a schedule of holiday recesses for the session. It was pointed out at the time that the schedule was tentative. I would like at this time to stress the word "tentative." It is, of course, still the hope of the leadership on both sides of the aisle to adhere to the Easter recess as announced. It would commence on April 15 and extend to April 21. But after discussion with the distinguished minority leader, it would appear desirable to put the Senate on ample notice

as to the possibilities of a change in the tentative schedule as regards Easter. May I say that the leadership does not wish to prejudge the Senate's action in any way on the bill which was referred to the Judiciary Committee with instructions to report back by April 9. But unless that bill has been acted on by April 15, it is entirely possible that we may be in session on all days subsequent thereto until April 21, Easter Sunday excepted. Senators should consider their personal schedules accordingly.

I wish to emphasize that the purpose of this announcement is an endeavor on the part of the leadership to give ample notice as to what the possibilities may be in the weeks ahead.

Mr. DIRKSEN. Mr. President, I remember so well when the majority leader and I, in his office, canvassed the holiday areas in the calendar, in the hope that we could come to an agreement as to the number of days the Senate could stand in recess and make that known so that Senators could plan accordingly all the way down the year.

Now—and I assume responsibility along with the majority leader for it—we find ourselves a little on the horns of a dilemma, because we have mandated the Committee on the Judiciary to report the voting rights bill on or before the 9th day of April. Obviously, there is a demand in the country for the bill. I presume the Senate, and Congress, would be roundly scolded if we ran out on our obligation to the public and let that bill stand high and dry. On the other hand, we are certainly sensible of the fact that Senators, by now, have made plans for the Easter recess. But I must concur in what the majority leader has said and indicate that the public business must come first.

However, I always live in hope; and my hope in this instance is that the hearings may not take so long as we planned; second, that while there will be ample discussion of the bill on the Senate floor, it will not be extended discussion, and that if we come in early and stay late, and probably include Saturdays as working days, we might, conceivably, get final action on the bill and the amendments thereto prior to the date when the Easter recess was established.

I am glad, indeed, that the majority leader has put the Senate on notice, because the situation is not a happy one, to say the least. But I must emphasize that the public business does come first—and it is not only public business; it is urgent public business.

In his message which accompanied the bill, the President said to Congress that he hoped no time would be lost and that we would make all speed in bringing about a consummation of action on the voting rights bill. So I gather from the notice given by the majority leader that if it is imperative that the Senate stay in session until that bill is finished, so be it. We shall cheerfully abide the result and the requirements that are before us.

Mr. MANSFIELD. Mr. President, this notice is the result of a decision by both the minority leader and the majority leader, after discussing the matter carefully.

Mr. DIRKSEN. Yes.

ADDRESS BY DR. THADDEUS J. LUBERA AT FOX COLLEGE, CHICAGO

Mr. DIRKSEN. Mr. President, Fox College, in Chicago, is a professional school of business and for the training of executive assistants and office instructors. From its educational director, Mr. Earl B. Fox, I have received a letter dated March 18, 1965, in which he says:

SENATOR DIRKSEN: Have we adults defaulted in our duty?

Today the young people do sincerely want us to provide the guidelines for their lives. Recently, Dr. Lubera properly presented the rules of conduct to our students. He came to "reason with them" and left as their adopted father. One hundred percent of the Fox College students spontaneously stood and thunderously applauded Dr. Lubera's recent speech, "Loyalty and Ethics: The Art of Living." Nothing is more powerful than an idea whose time has arrived. The acceptance of this speech by the young people of this Nation will confirm this speech as the greatest speech of this generation.

Mr. President, on February 3 of this year Dr. Thaddeus J. Lubera, associate superintendent of the Chicago public schools, delivered an excellent speech to the students, faculty, and guests of Fox College in Chicago. The address is entitled "Loyalty and Ethics: The Art of Living." It is one of the finest speeches I have ever read. I hope that it will be read not only by every student in our schools but by all Americans.

Mr. President, I ask unanimous consent that the address be printed at this point in the RECORD; and, also, that the biography of Dr. Lubera, the text of the presentation of a citation to him by the Independence Hall Association, and the text of the citation itself be printed at this point in the RECORD.

I commend the speech to every Member of the Senate. I propose to have a quantity printed for distribution among the people of my State; perhaps other Senators may wish to avail themselves of it.

The PRESIDING OFFICER (Mr. MCNAMARA in the chair). Is there objection to the request of the Senator from Illinois?

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

LOYALTY AND ETHICS: THE ART OF LIVING

(By Dr. Thaddeus J. Lubera, associate superintendent, Chicago public schools)

(NOTE.—This address was given by Dr. Lubera, Feb. 3, 1965, in the Fox College assembly to the students, faculty, and guests. Dr. Lubera was awarded the Independence Hall Association's "D-day H-hour Careers Citation.")

DR. THADDEUS J. LUBERA

Dr. Thaddeus J. Lubera is a graduate of Senn High School (at time of graduation was a major in the ROTC); graduate of Chicago Teachers College; graduate of Lewis Institute—B.A. degree; graduate of De Paul University—M.A. degree; graduate of the University of Chicago—Ph. D. degree in education. He has also had graduate courses in history and education at the University of Chicago and Northwestern University.

Dr. Lubera not only is the product of the Chicago public school system, but also he has progressed with the Chicago public school education. For 8 years he was a teacher in Chicago public elementary schools, and for 2½ years taught in Chicago public high schools; he was assistant principal of Wells High School for 4 years; principal of McCormick Elementary School for 4 years; and for 3½ years, he was principal of Hirsch and Marshall High Schools; for 7 years he was district superintendent; for 4½ years assistant superintendent in charge of high schools; and from August 1, 1955, to date, associate superintendent in charge of instruction (north section).

Dr. Lubera is married and the father of two sons.

This talk is exceedingly timely and will appeal to logical-thinking people; it is factual—it places principles above politics and privileges—it appeals to precepts rather than to prejudices.—EARL B. FOX, President, Fox College.

LOYALTY AND ETHICS: THE ART OF LIVING

It is a pleasure to come back to Fox College and share with Mr. Fox, Mr. Moleski, and the teachers and students my feeling about loyalty. Ladies and gentlemen, this concept of loyalty is one of great importance to all of us living, to all of us who hope to achieve success in life; and I shall speak to you about four areas of loyalty—four avenues for the expression of loyalty.

First, loyalty to your faith. No one lives by bread alone. We live by faith in God. Since we live by faith in God, we must be loyal to whatever way we express this faith. Unless we are loyal to it—sincerely loyal to it, implicitly loyal to it—we cannot as good citizens, as students, as men and women—attain our worth. Our first loyalty belongs to our Maker. Whatever your faith, whatever your belief, whatever way you have to express your faith in the dear Lord, be loyal to it. Without this expression, without this faith, without this feeling, I don't think we are worth too much. So men can't live by bread alone. If you study the Gospels, if you read any kind of history—ancient history or medieval history—you will soon see why this is necessary.

I think the next loyalty that we owe is to our family—to our moms and dads, our brothers and sisters, our cousins, and the others. Why? They brought us here; they nurtured us; they helped us. I see this every day. I just came from a school where I saw little children coming in, little kindergarten youngsters. I thought about them. They are very loyal to their parents because they are, what?—just being nurtured in growing, in thinking, in reacting, and in feeling for parents. Loyalty to one's family—we must bring a good name to our family. This is so important; our name is so important—first name and last name. Our family quarters and our family feelings are exceedingly important to a very happy life. The lack of family loyalty can bring on a crisis. I see this almost everyday in visiting some 11,000 teachers, nearly a quarter of a million students in 250 schools, where you have people at a crossroads in battle with their own ideas. Loyalty to one's family is very important; with it, we promote the welfare of our family.

President Johnson is trying to promote this whole concept known as the Great Society. All right, who is going to make the Great Society? You and I—you, the young people; we, the teachers and the mothers and fathers; and next, a very important next, the people who conduct services in our churches. We are going to promote the Great Society; the businessman is going to promote the Great Society; the employer, the student, everybody concerned. But it is at home, where boys and girls are brought up, where foundations are set for ideals and ideas for good living, for good life, here, the Great Society begins. The Great Society concept is a very interesting one; it is not a new one, but what is great about it? People—the way people live, the way people relate to each other. I think the

No. 1 concept is loyalty to everything that we believe is good. The No. 2 concept in the Great Society is relation to one's own family—loyalty to our parents, and loyalty to everything that stands for that which is good.

Loyalty to our country is the next and very important concept. Certainly, now, we should never be apologetic for the United States. We have a great Constitution, a great Bill of Rights, a great ideal, a great educational system—in truth a great and a very compassionate, charitable people. We need not be on the defensive. We make mistakes—and since there are 193 million of us—we are bound to make some mistakes. But on the whole, the complete idea of democratic living is a great concept; nowhere else will you find such a concept on the face of the earth. So we can be loyal to our country. Never be apologetic; always be loyal to its ideals—to the promotion of democratic ideals. We hate nobody—you and I as students, as human beings, as children of God—we dignify all people. We may differ with people. We are loyal to our spiritual values here. But in a Great Society, promotion of ideals is absolutely necessary in terms of looking and thinking in the whole perspective. We must consider all the people—the panorama, a state in which there are 193 million people solving problems, some of whom are poor, some very poor. I just came from a neighborhood where people have many kinds of crises and problems; but they are working, and solving, and living, and praying to be better, and hoping for a better tomorrow.

We have loyalty to our employer. Now with this we have a number of concepts that we should practice. We should be very sincere in our work for our employer. We should always believe that we are here to produce something. If we are on the job, we are to produce good work through sincere effort. This is loyalty No. 1 to our employer. We are interested in making a record for ourselves through honest and sincere effort to be a good worker. That's one aspect of loyalty to our employer. Then we have a second part of our loyalty to our employer—enthusiasm for whatever we do. You are enthusiastic about this lovely school, the people here. You are enthusiastic about your family, about your friends. We are enthusiastic about our employer's business, his goal, and his promotion; with this enthusiasm, we exude effort, a little more of it, and we succeed with the employer—his success is our success. Enthusiasm for the kinds of things that our employer stands for or the kinds of things that he produces is a No. 1 requirement in this whole business of loyalty. The support of his policies—maybe we don't agree with what the policies are at the moment, with the office people or with the managers, or with those who formulate these policies; but we don't make the policies, we support these policies. Frequently I find people who differ about policies, but they are supporting them. We may differ with President Johnson on a lot of things, but we support our President; we support our ideals; we support the policies pertaining to the way business is run. We support them because we are loyal to an enterprise, to a company, to an individual, to a group of workers, and to the whole ideal for which this company stands; and we produce promotion of his program—the employer's program. Every office, every factory, every firm, every business, produces something. In this production we must promote a program of information, promote understanding, and promote action—the employer will like that. We should understand why industry makes tractors—tractors are important. We should understand why a firm makes cars; then we can promote this market, we can promote this plan, we can promote everything they do because it is not only to the best interest of our own being, but also to the best interest of the man who has employed us and who is giving us an opportunity to grow in his business.

Honesty in all your dealings with employers—that is one of the most important concepts in our successful living in a business world—honesty. We are honest with our work; we are honest with the responsibility that is given to us. I have young men and young women who are working in banks today, who graduated from our schools, and handle thousands of dollars in banks every day—honest boys and girls; God bless them. They resist temptations, and wish only to serve, only to give their best. So, honesty in all of our dealings; we don't cheat—ever. We are always filled with nobility of character in this respect. We are always filled with the whole conception that we are doing something so worthwhile for our employer that we shall succeed with him as he succeeds with his policies. Thus, we shall maintain honor and dignity in all our relations with employers.

Ethical behavior simply means that in everything we do, we do it with honor. We don't criticize unless we have facts. We don't diminish the importance of anybody's business or personality, or individuality. We are dignified in our department. Our word is good, our signature is good, above all, our promise is good to our employer and to everybody concerned. This is loyalty of the highest order—ethical behavior. We are important because we are behaving in this manner and this is noticed very quickly in business—very quickly. We are willing to face adversity with the employer; things don't always go the way we planned. Sometimes there is an adversity; there is a diminishing return in our business. Do we criticize people for this? No; we are loyal—come adversity, come success. We are always loyal. It is so easy to give flowers when we are successful, but it is not so easy to give flowers when we are not—when it is perhaps more important to do so. By this, I mean, we always support this employer because he is our friend, our partner; we are his partners—really. So in adversity, we stand honorably, and we say, tomorrow may be a better day; and it is most of the time.

Helpfulness to success. Everybody working everywhere as a valuable unit—that adds to success. My young friends, you are not lost in any office. I worked in offices for the Continental Can Co., and I know—I was not merely a number, for I was an important payroll clerk. You will be an important stenographer, a secretary, or even a vice-president. Surely, you will help to build success; you will add through your intelligence, through your effort, through your planning, through your ingenuity; yes, you will add to the building of a structure called business—good business, much business, great business—and in this way, you will make the Great Society. We are not just a cog; we are an important wheel. Make yourself feel that you are important, really, because you are loyal and because you are honorable in any endeavor with your employer.

And so with this, we have pride. With all honest and sincere loyalty to our God, to our parents, to our teachers, to our friends, to our employers—we have pride. You feel that you count; you feel that you are important. You feel that you are honorable; and because you are always better, you should never be the same as you grow. You come here because you want to be better. Pride, the right kind of pride, follows achievement. Whatever you achieve, you are proud of it. You type a nice letter; you should be proud of it. You talk to the vice-president of a firm and he appreciates it; you are proud of it. You read a good book and you give a fine report; you are proud of it. Pride used in a positive way is a very important attribute of an intelligent person.

I hesitate to stop talking to you young people today. I am well aware of the high and honorable goals of this school; I have read your "Careers Scrapbook" that was produced in your creative writing class. I believe it to be the best careers project book ever produced. Frequently, I quote from it. I am mindful that a number of you, each and every year, go out from Fox College as office instructors. I know the rest of you will go out as executive assistants. Certainly, in these high-level positions you can do good on a wholesale level, not just for individuals, but, also, for whole groups of people. It is for this reason that my duty commands me to make these supplementary remarks.

You people who are going out in high-level positions in business must understand the dynamics and the democracy of the American private enterprise system. You must understand that every business organization is subservient to the wishes of the American people. Every purchase from any business house is an endorsement of the policies and a vote for the principles of that organization. It is a definite vote against the inefficiency and the ineffectiveness of other organizations. There have been 812 makes of automobiles produced during my lifetime; only 17 are now being produced by five companies. Eight hundred and seven companies out of eight hundred and twelve have been voted out of business by the American people through the democratic process of freedom of choice.

I will ask you all to remember please that we're living during the finest time in the history of mankind, and certainly in the finest country the world has ever known. I have little patience with those who refer to these times as terrible conditions, or discouraging times. May I ask all those to raise their hands who can select a period in world history in which they would prefer to live than now? Of course, there are no takers. How fortunate we all are that through the aeons of time and through the galaxies of space we have been reserved to be called forth now for service in the greatest period of world history—and to render that service in the finest country the world has ever known.

I am told that there are well over 100 million sets of fingerprints in the FBI office in Washington, D.C. How many duplications? That is right, there are none. The pattern that is you was never produced before, nor will you be duplicated—ever. What is the connotation? Could it possibly be that we have been reserved to be called forth now for failure or for mediocrity? Of course not. There is only one answer that squares with the facts. We have been reserved and called forth now for only one purpose; for high service and great success. It was Emerson who said:

"What will you have?" quoth God; "pay for it and take it. All things are double, one against another. Tit for tat; an eye for an eye; a tooth for a tooth; blood for blood; measure for measure; love for love. Give and it shall be given you. Give nothing, have nothing. Thou shalt be paid exactly for what thou hast done, no more, no less."

Edward Bok's father told his son that his first duty was to leave the world a more beautiful place than he found it. No one can stand on the highest point in Florida and hear the chimes of Bok's Singing Tower without fully appreciating that truly Edward Bok left the world a more beautiful place. What will you do to make the world a more beautiful place?

So today I salute you future business executives, and with humbleness I pray that you future leaders in industry will enter the office with the prayer of St. Francis of Assisi in your heart:

"Lord, make me an instrument of Thy peace. Where there is hatred, let me sow love. Where there is doubt, faith. Where

there is despair, hope. Where there is darkness, light. And where there is sadness, joy. Grant that I may not so much seek to be consoled as to console; to be understood as to understand; to be loved as to love; for it is in giving that we receive. * * *"

I prayerful ask that all you future supervisors will recognize that every one of your employees is made in the image of God; and with constant and continued determination that you will pledge yourselves to take care that this image will not deteriorate into a mirage.

Please remember that these are days of destiny, not despair. Please don't be too concerned with security, but rather aspire to the challenge of opportunity. Seek personal responsibilities and duties, not rights and privileges. Teach by example the value of character, the honor of loyalty and citizenship, and the satisfaction of service and sacrifice. Then, truly, your life will be an inspiration and a benediction for you have practiced the art of living.

These are some of the concepts of loyalty which you and I can practice, which you and I cannot live without as successful people. My young ladies and gentlemen, I wish you well and hope that in the future, somewhere, we may meet again and you will tell me that by thinking and feeling some of these concepts I have mentioned to you today, that you have become successful. I wish for you two things, always: that each of you be a great success; that you will be happy always. These two things are important. Happiness and success depend on our own feelings, our own attitudes, and our own personal development—all of these—and our prayers to God.

(Courtesy of Independence Hall Association, Chicago, Ill.)

PRESENTATION OF CITATION

(By Earl B. Fox, educational director, Independence Hall Association)

Recently, I had the great privilege and the rare opportunity to hear this speech you've heard today. It's my frank opinion that life is made up of a few great people whom it is our privilege to meet. No one could be in my field of endeavor and live as long as I have lived, without meeting hundreds and thousands of quite wonderful people—dedicated people. Your parents—responsible parents—who year in and year out, provide lunch money and carfare, food and clothing, pay doctor bills and give much love—through a long period of years, give dedicated service to that high office of parenthood. There are also hosts of business and professional people who render high service to our citizens. Wouldn't it be a wonderful world if all people would apply to their calling the dedication to their work that all good teachers demonstrate.

But, beyond these groups it has been my rare opportunity to meet not just good people. I have met a few truly great people. Dr. S. L. DeLove, of Independence Hall Association, is one such man. Harry Fischer, the chairman of the board of directors of the Mutual National Bank, we call him "Mr. Auburn Park," is another one. If you only knew the conscientious understanding of a dedicated banker, your image of bankers would change immeasurably. And of course, Father Seary, Father Cavanaugh, the Reverend Mr. Cecil Ewell, Mr. Sid Wanzer ("Mr. Boy Scout"), and Dr. Harold Richards—are all truly great men. I may be prejudiced, but I feel that Harold E. Brooks of Armour & Co., is one of the truly great. He is the man who laid out the Fox College plan for selecting students, a broad course of subject content with high graduation standards—truly a great plan for success. He is the man who set up a formula that would guarantee a 100 percent placement of all our graduates during that dark period in our history when there were 15 million unemployed out of a work force of 35 million—no small achievement.

Naturally, out of 3,300 Fox College graduates of the past 33 years, there are many who approach greatness. A number of these graduates are, today, members of the clergy, both Protestant and Catholic. Yes; there are great teachers and leaders in the other professions among the Fox College graduates, and as you would expect, a great number of outstandingly successful business people, operating with honor and high service. However, I rather suspect that if history accords any one of these 3,300 Fox College graduates with achieved greatness, it will be Eddie Kapelinski, of the Richard's Paint Co. History has rated Abraham Lincoln as the greatest man of the 19th century. History may rate Winston Churchill as the greatest man of the 20th century. However, it is too early to say. The greatest man of the 20th century may still be in one of our classrooms today. But of this I am sure, America's future greater needs will call forth greater men.

Probably the No. 1 person on my list of great men is Dr. Lubera—never found wanting over a 30-year period—always said the right thing at the right time, and always did the right thing at the right time. Believe me, Dr. Lubera, as the educational director of Independence Hall Association, it is a real pleasure and a great privilege for me to present this most deserved and well-earned citation.

This Day-day, H-hour citation reads thusly:

"D-DAY H-HOUR CAREERS CITATION TO DR. THADDEUS J. LUBERA

"For his dedicated years of distinguished service to education.

"For his immeasurable contribution to the lives of thousands of young people.

"For his invaluable contribution to the growth, development, and success of hundreds of business and industrial firms and professional organizations in which his graduates are rendering high service.

"For his extensive contribution to the social and economic welfare of his community.

"For his instilling a deep appreciation and reverential gratitude for our American heritage in his students as expressed in their acceptance of the challenge of active American citizenship.

"For his exemplary qualities as a true gentleman and a kindly neighbor."

OVERINVOLVEMENT OF UNITED STATES IN EX-COLONIAL REGIONS OF THE WORLD

Mr. CHURCH. Mr. President, on February 17, I spoke on the floor of the Senate suggesting that the United States had become overinvolved in the ex-colonial regions of the world, including the area which was formerly French Indochina. I was pleased to see that George F. Kennan expressed similar thoughts in his recent Walter E. Edge lecture at Princeton.

I greatly respect the foreign policy judgment and experience of Ambassador Kennan. A career Foreign Service officer, he served with distinction as Chairman of the Policy Planning Council in the State Department, as Ambassador to the Soviet Union and later, as Ambassador to Yugoslavia. He helped to author the containment policy in Europe toward the Soviet Union which the United States followed after the Second World War. As well as having practical experience in dealing with the Communist countries, he is also one of the most noted scholars in the field of Communist-Western relations, and the author of many books and articles in this field, including the noted work "Russia and the West Under Lenin and Stalin." Professor Kennan is currently engaged in scholarly research at Princeton University.

In his recent lecture, Kennan made two comments which I think of as valuable guideposts for our policy in the ex-colonial world:

There is one thing we might usefully bear in mind. The surest way to invite a strong and effective Communist involvement in situations of this nature is to involve ourselves heavily, particularly in a military way.

Later in his address, Ambassador Kennan remarks:

I can think of nothing we need more, at this stage, than a readiness to relax; not to worry so much about these remote countries scattered across the southern crescent, to let them go their own way, not to regard their fate as our exclusive responsibility, to wait for them to come to us rather than our fussing continually over them. The more we exert ourselves to protect them from communism, the less the exertion they are going to undertake themselves.

In his lecture Ambassador Kennan wisely cautions us to remember our relations with the other nations of the world when determining United States policy in Vietnam. As he points out, it would scarcely be to our advantage to help heal the Sino-Soviet split by driving Communist China and the Soviet Union back together again.

I ask unanimous consent to have Ambassador Kennan's lecture, entitled "A Case for Sparing the Spurs: Forcing Russia's Hand on Big Issues Could Push Kremlin Into Siding With China on Vietnam," published in the Washington Post of March 7, be printed at this point in the RECORD.

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

[From the Washington (D.C.) Post, Mar. 7, 1965]

A CASE FOR SPARING THE SPURS—FORCING RUSSIA'S HAND ON BIG ISSUES COULD PUSH KREMLIN INTO SIDING WITH CHINA ON VIETNAM

(By George F. Kennan)

(NOTE.—The following is excerpted from the recent Walter E. Edge lecture at Princeton University by the former Ambassador to the Soviet Union and to Yugoslavia, an authority on world communism.)

Moscow is faced today with Chinese pressures of the heaviest possible sort which not only demand an immediate deterioration in Russia's relations with the West but obviously have as their concealed aim the provocation of actual hostilities between Russia and the West at the earliest possible moment.

The Soviet leaders are well aware of this. They understand its dangers. They propose, I am sure, to resist these pressures to the best of their ability. But there is one area of world affairs where they are extremely vulnerable, where the Chinese have important tactical advantages and where the Soviet leaders can be, and are being, pressed constantly into positions and actions that compromise their relations with the United States in particular. This is the area of the so-called anti-imperialist movement.

What is involved here is the question of leadership among the various anti-Western and anti-American political forces now com-

peting for ascendancy in the newer or less developed countries of Asia, Africa, and Latin America. To the extent that these conflicts, these so-called anti-imperialist struggles, are highlighted before world opinion; to the extent that they engage the attention of the great powers and become theaters and testing grounds of great-power rivalries; to the extent that it becomes impossible for the Soviet Union to ignore or remain aloof from them, Moscow sees no choice but to come down strongly on the anti-Western side, even at the cost of damage to its relations with leading Western countries.

ITS ONLY FUTURE

One may well ask why this should be so; what importance these new countries have for Moscow that could justify so costly a reaction. I can give you only a partial answer, because I myself believe this reaction to be exaggerated, oversensitive and not fully warranted even by the political self-interest of the Soviet regime. Nevertheless, to a certain extent one can see and understand, if not approve, its rationale.

In Europe and North America, the Communist movement, as a dynamic advancing political force, is dead. If it has a future anywhere, it is in these developing areas and particularly in the new states, where firm political traditions and institutions have not yet formed; and here the possibilities, from Moscow's standpoint, lie less in the prospect of creating real Communist systems (for this, the prerequisites are lacking) than in the possibility of dominant influence being exerted from some Communist center over these inexperienced regimes; of their being developed as instruments of major Communist policy in the game of international policies.

Moscow believes—Moscow is almost obliged by doctrinal conviction to believe—that these anti-Western forces, euphonistically referred to as the anti-imperialist ones, are bound to be generally successful, politically, on the local scene, at least in the struggle against Western influences; and noting the fumbling, ineffective quality of our own response, I must say I think they have some reason for this belief, insofar as it is we Americans who are primarily involved at the Western end.

The great question, in their view, is: Which Communist center is to preside over these various victories and to reap the various fruits? To abandon this field of political contest, or even to neglect it, means, as they see it, to present it on a silver platter to the Chinese. For this, they are not prepared.

DANGEROUS INDIFFERENCE

Their foreign relations operate in three great areas: the world Communist movement, the underdeveloped and new nations and the Western World. In the Communist movement, their position is already under heavy and effective Chinese attack. Their relations with the West, while valuable to them, cannot, at this historical juncture, at any rate, be expected to carry the entire burden of their international position. A Soviet foreign policy based exclusively on relations with the West would practically undermine the rationale for the maintenance of Soviet power in Russia itself.

Aside, therefore, from the fact that they regard the governments of the new nations as their natural and traditional clients, the Soviet leaders cannot afford, for wider reasons, to stand aside from the struggle for predominance over them. Any such passivity could easily be made to look like indifference to the prospering of the Communist cause generally and would at once be exploited by the Chinese as a means of discrediting Soviet policy and completing the destruction of Moscow's influence and leadership in the world Communist movement.

And beyond that, it would risk the loss of access to this entire theater of international politics, where a continued Soviet presence could alone make the difference between effective Soviet participation in world affairs and a total and ruinous isolation.

In summary, then, we have before us, in the person of the Soviet leadership, a regime subject to strong compulsions toward better relations with the West, yet conscious of having an extremely sensitive flank in Asia and Africa which it can protect only at the expense of its relations with the West; walking a very narrow tightrope among these conflicting pressures; vacillating, weaving this way and that; responsive to the shifts in the world scene; its behavior, for this reason, in part the product of the way we ourselves play our hand and in this sense susceptible in some degree to our influence.

PEIPING'S DIRECTION

Two possibilities now present themselves. One is that our relationship with Moscow deteriorates; that Moscow, as a consequence, finds it necessary to hold more closely to Peiping in order to compensate for the loss of its Western card; that Moscow then throws itself even more frantically and, having little to lose, even more recklessly and wholeheartedly, into the anti-imperialist struggle, heedless of the effect on Soviet-American relations, coming to regard as its major objective not the preservation of an effective balance between the Chinese and ourselves as factors in Russia's external situation, but rather, successful competition with the Chinese for leadership in the political struggle for our destruction. This alternative would not satisfy in all respects Chinese desiderata, for the Chinese-Soviet rivalry would continue to be operable in many forms. But it represents in general the direction in which the Chinese, as well as many neo-Stalinists in the Soviet Union, would like to see Soviet policy move.

I would militate for increased unity throughout the Communist bloc as well as for sharper and more uncompromising tactics toward the West. It would compound the effectiveness of the forces now marshaled against us. It is difficult to see what ultimate conclusion it could have other than a world war.

The other possibility is, of course, a continued improvement of Russia's relations with ourselves. This is one that would strengthen the hands of both powers with relation to the Chinese. The Russian hand, because the value of the Soviet alternative to the acceptance of Chinese pressures would be enhanced; our own hand, because the intensity of the forces ranged against us would be reduced and because Soviet interests might even work in many ways to reinforce our own position.

In drawing the picture of these alternatives, I should like to avoid the impression that they are absolutes. There is nothing I can conceive of, short of a world war, which could throw the Russians entirely into the Chinese camp. Conversely, any improvement in Russia's relations with the West should not be expected to go so far as to produce any total break with Peiping.

What I am talking about here are tendencies rather than finalities; but they are tendencies of great importance, and the fact that neither would be likely to be carried to a point of absolute finality does not obviate the enormous significance that attaches to the choice between them.

We should recall at this point that the present unhappy state of our relations with China, hopelessly anchored as it appears to be in the circumstances of the moment, should not and must not be regarded as a final and permanent state of affairs. The Chinese are one of the world's great peoples, intelligent and industrious, endowed with enormous civilizing power and with formidable talents, cultural and otherwise. It is wholly unnatural that the relations between such a people and our own should be as they are today.

Dismal as are the immediate prospects, we must look forward to the day when we come to terms in some way with the prevailing political forces on the Chinese mainland. This, however, like any other adjustment of international relations, will take bargaining and compromise; and if the final relationship is to be a sound one and to bear weight, both sides must have a reasonable bargaining power when they finally sit down to accommodate their differences.

Only if the Soviet Union is kept in the running as an independent force in world affairs, enjoying and valuing a constructive relationship with the West and thus being not solely dependent on the Chinese connection and not helpless in the face of Chinese demands—only if these conditions prevail will we have a chance of working out our long-term relationship to China on a basis reasonably satisfactory to ourselves. A well-ordered relationship with Moscow is, in other words, essential to the constructive and healthy adjustment of our long-term relations with China.

If, in place of the preservation and encouragement of Russia's independent role, we force the Russians back into a closer relation with the Chinese, or even into an intense and exclusive competition with the Chinese for leadership in the destruction of our world position, we will not only intensify the effectiveness of the forces ranged against us at this particular moment but we will complicate greatly, and not to our own advantage, the problem of the eventual composition of our difference with both the Russians and the Chinese.

If this view be accepted, it becomes, as you see, an urgent requirement of American policy to ease in every proper and constructive way the relationship between the Soviet Union and the United States. This has nothing to do with fatuous one-sided concessions designed to win gratitude on the Soviet side. As one of my Foreign Service colleagues used to say, you can't bank goodwill in Moscow, and I would be the last to advocate anything of that sort.

But what you can do is to hold out to Moscow a plausible prospect of accommodation in those issues that are theoretically susceptible of solution in this way, and avoid the accenting of those that are not. This, as I see it, means serious effort on our part to provide a reasonable basis for accommodation in the great issues of Germany and of nuclear weapons control—in those issues, in other words, that affect primarily the European theater and are central problems of Russia's relationship with the West; and at the same time to deemphasize wherever possible conflicts that fall under the Communist category of the anti-imperialist struggle, conflicts in the face of which Moscow, when its hand is forced, is bound to come down formally on the anti-American, if not the pro-Chinese, side.

It does not appear to me that American policy of recent years stacks up very well in relation to this requirement. I have not seen the evidence that we have done all we could do to find agreement with the Soviet Union in matters of Germany and disarmament.

Needless irritations, such as the Captive Nations Resolution and various antiquated trade restrictions, are still permitted to impede the development of Soviet-American relations. And our present involvement in Vietnam is a classic example of the sort of situation we ought to avoid if we do not wish to provoke in Moscow precisely those reactions that are most adverse to our interests. It is largely as a consequence of these strategic errors that we find ourselves in the dangerous and unpromising position we occupy today.

It will be asked of course, particularly in connection with the problem we now have on our hands in Vietnam, what else we could do than what we have done in situations of this sort.

I would be the last to generalize about such situations, or to suggest that a hands-off policy is everywhere possible and desirable. But there is one thing we might usefully bear in mind. The surest way to invite a strong and effective Communist involvement in situations of this nature is to involve ourselves heavily, particularly in a military way.

Where we lay off, the road may be open, ostensibly, to Communist intrigue and penetration (it is usually open, no matter what we do) and there may well be takeovers by political forces that make a pretense of Marxist conviction and look to Moscow or Peiping for economic aid and political support. But this is not always so intolerable to our interests as we commonly suppose.

The less we are in the picture, the less is there any excuse for actual military intervention on the part of the Communist powers and the greater are the chances for rivalry between Moscow and Peiping for political predominance in the region concerned. But in the absence of a Communist military presence, and where this Chinese-Soviet rivalry exists, the local regimes, whether nominally Communist or otherwise, are almost bound to begin to act independently in many ways—to develop, in other words, Titoist tendencies.

And this is not always the worst solution, from our standpoint. It is harder for either Moscow or Peiping to interfere extensively with a regime that calls itself Communist than with one that does not. And since we have not engaged our prestige extensively, the situation affords to the Communist powers no such opportunities for political gains at our expense as those the Chinese and North Vietnamese Communists are now reaping in Vietnam.

I can think of nothing we need more, at this stage, than a readiness to relax: Not to worry so much about these remote countries scattered across the southern crescent, to let them go their own way, not to regard their fate as our exclusive responsibility, to wait for them to come to us rather than our fussing continually over them. The more we exert ourselves to protect them from communism, the less the exertion they are going to undertake themselves.

ST. PATRICK'S DAY SPEECH BY SENATOR MANSFIELD ON FOREIGN RELATIONS AND VIETNAM

Mr. MANSFIELD. Mr. President, on St. Patrick's Day I delivered a speech in Chicago to the Irish Fellowship Club. The speech deals primarily with foreign relations and particularly with Vietnam. In the latter connection, there are set forth three suggested general principles whose universal acceptance would appear to me to be the first step to the restoration of peace in Vietnam and its maintenance throughout southeast Asia.

There is also reference in the speech to the reappearance in force of late of such words as "isolationism" and "internationalism" in public discussion of foreign policy issues. These terms, in my judgment, are not conducive to intelligent understanding of the grave issues which confront the United States in Vietnam and elsewhere, issues which should be considered freely on their own merits and without the brands of disdain being applied either way. The Nation requires deep thought and thoughtful ideas on foreign policy, not synthetic labels. There is no automatic virtue in either pure old-fashioned isolationism or internationalism, if, indeed, they were ever very pure. If either is pursued willy-nilly, on the assumption that there is, we are likely to wind up in the same place—in a self-isolation or in an isolated internationalism. So I would hope that we would recognize that resolution of the complex problems which face us in the world is not going to be obtained with either of these outdated remedies. Our task is to think through those problems through the process of reason and discussion and arrive at answers which, whether they result in doing less or more abroad in specific situations, are, nevertheless, attuned to the needs of the Nation.

I ask unanimous consent that the speech I delivered be printed in the RECORD at this point.

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

ST. PATRICK'S DAY, 1965, SPEECH OF SENATOR MIKE MANSFIELD, DEMOCRAT OF MONTANA, GIVEN BEFORE THE IRISH FELLOWSHIP CLUB AT THE SHERATON CHICAGO HOTEL, CHICAGO, ILL., WEDNESDAY, MARCH 17, 1965

Where change is greatest in our lives but where we do not see it or sense it so readily is in the world beyond our borders. It is to that world and our relations with it that I would address your attention for a few moments.

I do not think it inappropriate to introduce a serious note on a day usually given to conviviality. It ought not to be forgotten that the man—the saint—who is honored here, tonight, walked in a world which was neither pleasant nor carefree. Rather, it was a deeply troubled age in which the rock which had been Rome had crumbled. It, too, was a time of change. It was a time of chaos, born of ignorance and arrogance, of superstition and suffering. It was a time when an isolated and bucolic Ireland was at last being stirred into upheaval by a birth in a stable many miles and three or four centuries away.

And, tonight, I would remind you that St. Patrick's Day comes, not only to Chicago and the United States but to Saigon, Vietnam, and throughout a troubled southeast Asia. In that distant region, halfway around the world from this city, there are those who will also celebrate this day. But the green they will wear will be the camoflauge green of jungle warfare. In that region, too, there is the chaos born of ignorance and arrogance and of superstition and suffering. There is upheaval and change—immediate and incipient, in Vietnam and throughout southeast Asia. A region of immense size is involved. It is a region larger than the United States and composed of as many human beings as live in our country plus many millions more.

There, too, the rocks of stability have crumbled in these years of our times. The peace of the ricefields and the quiet of the jungle have been shattered. A culture of many cultures, a politics of many politics, a people of many peoples have been caught up in the fury of a vast upheaval. This upheaval is not necessarily what many of the inhabitants may have sought. But whether sought or not, they are engulfed by it and they must live with it and work out their own destinies within its dimensions.

Into this vast change in Vietnam and southeast Asia, our own Nation has been projected. It is a recent involvement which, for a long time, was scarcely perceptible. Indeed, it is difficult to grasp the rapidity and the extent of our involvement in southeast Asia without having had some firsthand experience with it from the onset. When I first visited southeast Asia a dozen years ago, I had to check a map to be certain of the capital cities of the more remote nations. And the maps often did not agree, so little interest was there in that part of the world at the time. When I visited Laos in 1953, I found two Americans—two Americans—two Americans—in the entire country and both on officiaal assignment. When I visited Saigon in that same year, there were scarcely 100 Americans in all of Vietnam, including the North.

Now, a dozen years later, the number of Americans in Vietnam—in South Vietnam alone—is in the vicinity of 30,000 and, according to the latest reports, there are, even now, requests from Saigon for the assignment of additional U.S. Army troops. The need for American personnel in order to prevent a collapse in South Vietnam has increased steadily in the past 4 years. It has increased drastically since the unfortunate and distressing assassination of the one Vietnamese leader who had managed to maintain a measure of stability in South Vietnam—the late President Ngo Dinh Diem. In place of his steady hand, there has been a succession of hands produced by coup-on-coup in Saigon.

Many of us who have witnessed this growing involvement over the years have been deeply concerned by it. That is no secret. I, personally, have expressed that concern many times in the past. Yet the fact remains that three Presidents in succession—Eisenhower, Kennedy, and Johnson have found no satisfactory and persuasive alternative to it. And so far as I can see, the prospects now are that the American involvement in Vietnam will deepen further before it lightens.

Let me say, in all frankness, that I do not know when and on what terms the conflict in Vietnam will end. I can tell you that the President has no intention of permitting it to end in a sudden and abject withdrawal of American forces. But I am persuaded, too, that it will end at some time as all conflicts eventually end, at a conference table. It is significant that such public opinion polls as have been taken reflect the same view. A vast majority of the American people express support, both, for the military measures which the President must take and the hope for an end of this conflict.

In short, the American attitude, insofar as it is reflected in these indicators, was formulated originally by the late President John Fitzgerald Kennedy. He expressed in it—as he knew so well how to express—the dual sentiment which resides in the heart of America. We will do, as Americans, whatever needs to be done to insure justice and the national tranquillity. But we will not glorify war as an end in itself. In Vietnam, we do not desire the sacrifice of a single life beyond what may be necessary to bring about an equitable solution.

There are those who say "let us withdraw" which we will not and those who say "let's get it over now" which is not a prescription for victory. It is an invitation to an extended war which will take us on a road that leads ever deeper into Asia. It may come to that in the end, no matter how we seek to prevent it, no matter what forebearance and restraint we may practice. That, no man can foretell. But I can tell you that the President of the United States who bears the terrible responsibility of decision, whose finger is on the nuclear trigger, has not harkened to the siren call of easy victory in Asia, or anywhere else. In this respect, President Johnson carries the same burdens as his predecessors, the late John Fitzgerald Kennedy and Dwight D. Eisenhower. And all of them have recognized, under the weight of these burdens, the necessity for prudence and restraint.

There are no quick or easy answers to the difficulties in southeast Asia. But there are

solutions—just solutions—if all concerned face the realities of the situation in Vietnam. And the sooner all concerned recognize these realities and are prepared to begin an earnest search for these solutions, the better. The natural jungles of Vietnam are extensive enough without adding to them the manmade wastelands of war. The lot of the people of Vietnam—north and south—is bitter enough without the acrid additions of a spreading and deepening conflict.

The President has no choice but to continue on the course now being followed unless those who have engaged us are prepared to face these realities. And from the point of view of our own national interests, it is essential that we consider what it is that has prompted us to make and to continue to make the sacrifices of life and resources which we have borne in Vietnam. I would point out to you, that current estimates place that cost at $2 million a day, not to speak of the priceless lives which have been spent and will be spent. These costs are not declining; they are rising. I would point out to you, further, that by far the largest single expenditure of foreign aid goes to Vietnam.

I do not want these sacrifices and, particularly, the sacrifices of lives to go on 1 day longer than necessary. I know that you do not want that either and I am certain that the President does not.

But neither do we wish—any of us—to abandon, half down the road, a burden which was lifted in the interests of freedom and in our own security.

That is the only context in which a just peace can be sought in Vietnam. And it is in that context that I ask you, tonight, to consider the principles of our national interests in that remote region and with the vast changes which have occurred, in Asia and in the world during our lifetime.

As a first principle, I would suggest that we seek no colonies, or bases or any other permanent American establishment in Vietnam or on the southeast Asian mainland; and what we do not seek for ourselves we will oppose for any other outside power.

Second, I would suggest that we seek, not to dominate, but to live in an equitable peace and in a peaceful commerce and communion with all the people of southeast Asia; and what we seek for ourselves we recognize as the right of others to seek for themselves.

And, third, I would suggest that we are prepared for an end to the use of force throughout Vietnam at the earliest date consistent with the right of the peoples of that region to determine their society for themselves, free from the terror and aggression which has plagued them for too many years. What we are prepared to forgo, we insist that others must also be prepared to forgo.

So far as I can see, that is all we seek in Vietnam and southeast Asia and that is all we should seek in good conscience and in good sense in that remote situation.

I wish I could tell you that Vietnam is all that need intrude in the way of international concern on this pleasant gathering tonight. But I cannot, in all honesty, omit reference to the changes which are occurring in Africa and, notably, in the Congo. There, too, in remote and little-known places, a new era is emerging from beneath the crumbled stability which heretofore was imposed from without. The colonies are gone or almost gone. In their wake has appeared a churning mixture of nationalism, tribalism, racialism, democracy, communism, Islamism, and Christianity. And the whole is heated with the immense and oppressive poverty of the millions of people who inhabit the continent.

Here, the American involvement is, as it once was in Indochina, minimal, and scarcely perceptible. Here, too, there are those, including myself, who have expressed a concern over the years that the involvement in Africa might deepen beyond what was necessary and appropriate. Here, too, as it is on the Asian mainland, the American interest is limited. Here, too, it can be nothing more than support of African freedom in stability and of peaceful commerce and communion with the peoples of Africa.

There was hope, not so long ago, that the United Nations would provide an avenue through the quicksands of African change into an era of peaceful relations. There was a hope, not so long ago that the United Nations would provide a buffer to insulate the emergent nations from the clashing interests of outside powers. But that hope foundered in what transpired in the Congo. And it has been assailed, again, by the organizational disarray and the financial difficulties of the United Nations. So I would say to you, tonight, that unless there is a rebirth of capacity in the United Nations to deal with these matters, the United States, along with other nations, is likely to be plunged more deeply and more directly into the affairs of the African Continent. The world may well face in Africa in the near future what it now sees in the critical confrontation in Vietnam and southeast Asia.

The situation which exists elsewhere in the world is neither as grim as that in Vietnam and southeast Asia nor as ominous as that of the Congo and Africa. The danger signs remain in the Middle East, to be sure. The division of Berlin and Germany and the division of Korea are reminders of the unfinished business of past wars which at any time may demand final resolution.

But, there is another side of the coin. In Latin America, for example, the Cuban experience—shattering as it was—has not been repeated elsewhere. The Alliance for Progress which was set in motion by the late President Kennedy has been continued with vigor under President Johnson. It has been, by all reports, most effective and most helpful in assisting the Republics to the south to strengthen their stability and to accelerate their progress. Some of the Latin American nations, notably Mexico, have scored enormous economic advances. And as this progress has become manifest, our commercial and other relations with that nation have benefited greatly.

In Western Europe, there has been a sustained stability and economic advance. On the other side of the Continent, the eastern Europeans are obviously exerting a greater degree of independence than at any time in recent memory.

These changes for the better are of immense importance to all of us. Western Europe is no longer as it was, scarcely 15 years ago, totally dependent on us for its survival in freedom. Eastern Europe is no longer automatically responsive to the call of Soviet command. Indeed, even Albania, not to mention Yugoslavia, is capable of ignoring that call and others, if they cannot yet say "no," can at least say, "yes, but—."

For us, these changes infer the need for continuous adjustment in our policies within the basic design of our relations with Europe. I am hopeful that we will retain a close communication with Western Europe and, to that end, do whatever can be done to close the unfortunate breech in warmth and understanding which has opened with France. At the same time, I would also hope that we might continue to lighten the burden of expense for the defense of Western Europe which we have borne in a somewhat one-sided arrangement since the end of the war. And the same would apply in the matter of foreign aid, at a time when Europe is generally in a good position to share these costs in a more equitable fashion.

And I would suggest, finally, that if we are to make the adjustments which are necessary in this era of change that we abandon, at last, the cliches of isolationism or internationalism. Neither can meet the needs of the Nation in these critical times. There is no turning back the clock. But neither is there any virtue in keeping the hands of the clock ahead of the actual time.

It is not isolationism or internationalism to consider the principles of a just peace in Vietnam even as we pursue the bitter conflict in which we have become involved and with which we must stay until that peace is achieved. It is commonsense and sound national and international interest.

It is neither isolationism nor internationalism to consider other means—through a restored and reorganized and financially stable United Nations, if that is possible—to avoid a series of Vietnams in Africa. It is commonsense and sound national and international interest.

It is not isolationism nor internationalism to consider ways of diffusing the burdens of responsibility and costs which we still carry, largely in a one-sided fashion for the defense of the West and for foreign aid at a time when we are in balance-of-payments difficulties and Europe has a greater capacity than heretofore. It is commonsense and sound national and international interest.

These, then, are the thoughts which I would leave with you tonight. And I would ask you for patience and trust of the President, whose burdens are great as are those of any President. I would ask you to think through these immensely difficult questions of foreign relations so that you will understand what it is that confronts him. I would ask you, even when you differ with him, to appreciate that he is acting, as God gives him the capacity, in the interests of the people of the Nation and for the peace and security of all of us.

THE U.S. PHARMACEUTICAL INDUSTRY

Mr. DIRKSEN. Mr. President, not so long ago I was in the hospital. I have been in and out of many hospitals. There must have been five or six since last October. Every time I went there and every time I got out feeling pretty good I contemplated the research and the progress we have made in the field of medicine and pharmaceuticals.

How grateful I am that through the years there has been a concern for the health and welfare of all peoples who are a part of our Nation and that through our free enterprise system miracles have been developed to bring comfort and longevity on this earth of hope and anticipation. How often do we Americans fully realize and appreciate the advantages that are ours today because those before us cared, those of our time care and act, and have contributed to the health measures that have expanded the average span of life over 10 years since 1930?

In 1930, the life expectancy of our people was 59 years. Today, in 1965, it is in excess of 69 years; and, for all I know, it has probably gone over the 70-year mark—great testimony to America, to its scientists, and to those who are in the healing arts and related professions.

The Empire Trust letter published by the Empire Trust Co. of New York City, entitled "The U.S. Pharmaceutical Industry—The Business of Living," reveals a history of progress in medicine in this Nation uncompared to any other nation

on earth, which not only lengthened the average span of life of its citizens, but also brought physical and mental comfort, fast recovery, saving of lives, and material savings to individuals, all to the benefit of industry and Government. Many people in various professions and walks of life have made incalculable contributions to the health and welfare of all our people—children and adults alike—which includes researchers, manufacturers, and the pharmaceutical industry. May these partners in "the business of living" be ever challenged for greater works.

I ask unanimous consent that this factual article be placed at this point in the RECORD.

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

THE U.S. PHARMACEUTICAL INDUSTRY—"THE BUSINESS OF LIVING"

(Harassed from within and without, this vital contributor to our economy continues to do more for the health of mankind than does any other industry in the world.)

"Accused of cynical opportunism, embroiled in legislative and jurisdictional controversy—the U.S. pharmaceutical industry has become the subject of attack and rebuttal, claim and counterclaim to an extent perhaps unparalled in the recent history of any other American industry.

"The pharmaceutical manufacturing community is not without blemish. Like every other business community, it, too, is plagued by some irresponsible corporate citizens, whose malfeasances have been increasingly attributed to the industry as a whole. As a result, the industry's magnificent achievements—its monumental role in the prevention, cure, treatment, and alleviation of disease—have become obscured in the public mind.

"This letter, therefore, is issued in the public interest * * * because the products and the problems of this vital industry affect every one of us—literally where we live"—GRINNELL MORRIS, president

On the wall above the white-jacketed pharmacist, his diploma from the College of Pharmacy of Columbia University is dated 1930.

"When I was a student, we had basically three primary ingredients to work with. Aspirin, phenacetin, and caffeine. Then, depending on the prescription, we combined these in various formulations with codeine, quinine, and belladonna. That's all we had for over half—well over half—of all the prescriptions we filled, 30 some years ago.

"My older brother remembers the influenza epidemic of 1918," he went on. "He saw his best friend at school on Friday, and the following Monday his friend was dead. * * * Today people get flu shots—but no influenza vaccine in those days."

"The first real breakthrough was the sulfa drugs," his colleague joined in. "Then came penicillin and the mycins. * * * You know something? About three-fourths of prescriptions today are for drugs that weren't even known in 1950."

The handsome woman, several times a grandmother, has her own memories.

"My daughter had diphtheria when she was 3 and I was terrified—one of our neighbor's children had died of it the year before. The health department tacked a big yellow sign on our door—'Quarantine'—every cup and spoon, every plaything had to be sterilized; we had to burn all her picture books after she'd handled them. We lived through it, thank God. And then the next year our son had a mastoid. Three doctors for him—well, somehow we lived through that too."

The specialist in internal medicine, now 68, also remembers.

"Those were the days when pneumonia would have a patient in bed for 4, 5, even 6 weeks—now people are up and around in 4 or 5 days. If they have pneumonia at all, that is. Then it was touch-and-go—now I haven't lost a pneumonia patient in 15 years.

"Look at the figures," the doctor said. "Thirty years ago the five boroughs of New York City reported 15,000 cases. Today pneumonia isn't even 'reportable' any more. As for diphtheria, I know a doctor—younger man, been practicing only 22, 23 years—he's never even seen a case of diphtheria.

"TB? I've seen just one new case of it since isoniazid came out—that's over 10 years ago. And that's what I mean about these tremendous breakthroughs with antibiotics and other drugs," he continued. "The result is that infectious diseases are way down—now it's the degenerative diseases we worry about. Oh, there's plenty of work to be done—sclerosis, heart diseases, psychological disturbances, diabetes, geriatric problems, cancer * * * but don't take my word for it. Look at the figures. Any health department can show you the same thing."

LOOK AT THE FIGURES

Thirty years ago, the five boroughs of New York City alone reported 1,593 cases of diphtheria, with 103 deaths. Last year there were 8 cases—deaths, none.

Twenty-five years ago, New York City reported over 12,000 cases of whooping cough, with 105 deaths. Last year there were 212 cases—deaths, none.

In 1935, 70,080 Americans died of tuberculosis; in 1963, 9,311.

There are hundreds of such figures. And the figures, in turn, have been plotted on hundreds of graphs * * * the relationships of disease to lost worktime * * * to gross national product * * * to length of hospitalization * * * to average lifespan * * * to cost of treatment and medication. In virtually every category, the records show dramatic gains over the comparable statistics of less than a generation ago.

No one asserts that the credit belongs exclusively to the men and women of the pharmaceutical industry. Diagnostic and surgical techniques have been vastly improved during our lifetime. Nutrition, hygiene, living and working conditions have been raised to new standards, the highest in history.

But in the 25 years between 1935 and 1960, prescription drugs saved the lives of 2 million working-age victims of only four killer diseases—pneumonia, influenza, tuberculosis and syphilis.

And since psycho-pharmaceuticals—the now familiar tranquilizers—were first given wide application in 1956, the population of our mental hospitals has steadily decreased with each succeeding year * * * reversing a trend which reached an alltime high only the year before, in 1955.[1]

Every one of these achievements began in a series of test tubes or culture specimens, and every one has come to us only after years of analysis and synthesis, trial and error, false starts, faint hopes and blind alleys.

For the pharmaceutical researcher, of course, frustration is an inevitable part of his profession. Paradoxically, while success is his goal, every failure brings him nearer toward attaining it—for every failure realized is one less to be eliminated from his calculations.

But every discovery, however constructive, takes money and time and equipment: autoclaves, refrigerators, ovens; decontamination of environmental air, walls, floors; the meticulous recordkeeping of every test, every sample, every temperature, elapsed-time factor and individual involved; every mouse, rat, rabbit, guinea pig * * * every minim, milliliter, millisecond.

TRIUMPHS FOUNDED ON FAILURE

Unlike, say, the machine tool industry, which automatically consigns its spoiled parts and rejects to the scrap heap, the pharmaceutical industry knows that yesterday's anomaly may be the key to a future miracle.

Indeed, the industry's triumphs might well be termed "successes founded on failure." Out of every 2,500 to 3,500 compounds originally synthesized, only one survives to reach us as a safe and effective prescription drug.

And it must travel a tortuous route to do it. If it is effective in animals, it still must be proved effective for man. If controlled tests show it to be effective among volunteers, this is still no definite assurance that it is safe for humans in general, for medication readily tolerated by one may be near-toxic to another * * * Dosage must be determined; the all-important thickness of a tablet coating must be calibrated to the final millimeter.

These are facts of life in the pharmaceutical industry—and to live with them as they must, U.S. drug manufacturers reinvest the equivalent of half their profits—after taxes—in research and development. Unlike such industries as aircraft and missiles, or electrical equipment and communications—where research for the most part is financed by Government funds—pharmaceutical research is underwritten almost entirely by the industry itself: 98 percent, in fact, with only the scant remainder provided by Government agencies.[2]

Unfortunately, few people are aware that—even while research and other costs continue to rise—the prices of many drugs continue to come down. One of our most effective broad spectrum antibiotics, for example, today retails at less than one-fifth of its original price, although costs of its production have substantially increased.

And—outside the senior medical profession—who remembers that some 30 years ago the ear inflammation known as mastoiditis almost inevitably threatened serious impairment of hearing, possible death, and in any event would almost certainly involve treatment and surgery costing at least $1,000? * * * To today's victim of incipient mastoid, the idea of paying $15 or $20 for a handful of capsules or a series of injections may seem an exorbitant price for "curing an earache."

Thus quickly does yesterday's pharmaceutical marvel become today's commonplace. Indeed, only our personal resentment of illness remains unchanged.

In this context lies perhaps one of the pharmaceutical industry's essential problems, though certainly not its only one. Because, although prescription drugs are obviously formulated to make us well, for most of us the journey from physician to pharmacist serves only to confirm that we are sick—a situation few people like to admit, even to themselves.

Thus we may indulge in the wrathful suspicion that our doctors and druggists are in alliance to profit from our misfortune. Whatever the price, we are ready to believe that drugs and medical care are exorbitantly

[1] Today there are some 54,000 fewer patients in State and local mental hospitals than there were in 1955, the peak year. Furthermore, about two-thirds of new admissions are cured or discharged to outpatient care in 12 months or less.

[2] This year the industry's research investment will be almost a third of a billion dollars, a figure expected to be increased by at least another $100 million by 1970. In turn an independent study has shown that successful treatment of pneumonia, influenza, tuberculosis, and syphilis with prescription drugs has resulted in an increase in our national income of $7.4 billion annually.

expensive * * * and that the pharmaceutical industry is doubtless composed of heartless opportunists who have probably never suffered a sick day in their lives.

"Look at this." We proclaim our indignation to anyone who will listen. "A little gelatin coating with some granulated powder inside—doesn't weigh as much as a paper clip." * * * So saying, we busily compute the cost to us in cents per capsule, and what that money would buy in terms of a newspaper, or a bus token, or a can of beer.

The fact that the "little gelatin coating with some granulated powder inside" represents an average research investment of $4 million or more—this rarely occurs to us. The fact that its successful development probably took 5 or 6 years or even longer—this seems merely an impersonal statistic, if we think of it at all.

No indeed. Instead, we dramatize ourselves as victims of a conspiracy of charlatans—never realizing that the average U.S. retail price of a prescription is only $3.25, and that three-fourths of all U.S. prescriptions filled last year cost $4 or less. For that matter, few people are aware that the average American pays out only one-fifth as much for drugs as he does for liquor and tobacco.

THE INDUSTRY'S PROBLEMS AND THE PUBLIC INTEREST

But the U.S. pharmaceutical industry's problems are complex in other areas as well, and it is essential that these be recognized—not only by legislative and regulatory bodies but by the public in its own interest.

Such issues as patent infringement, drug piracy, and drug labeling are of vital significance to every one of us.

For example, even though reports of the "drug patent erosion problem" have been carried by every news service in the United States, it appears that few Americans today are knowledgeably aware of its existence, let alone of its implications as these can affect every inventor and innovator in the country.

The facts are that drugs originally researched and developed by the U.S. pharmaceutical industry are today being purchased from a number of unlicensed foreign sources—sources which in some instances have obtained the precious formulas from unprincipled employees who baldly stole them from their former U.S. employers.

Such foreign drug producers have made little or no investment in research or development of these products; the massive investment in research facilities and manpower has, in effect, already been done for them.

Thus such unlicensed sources can—and do—produce and export their copies of U.S. pharmaceutical products at prices substantially lower than those of the U.S. producers who not only did the original work, but who legally and ethically own the rights to produce, and to further build upon, the results.

Shockingly, many of these pirated drug products have been purchased by our own Department of Defense, as well as by other Government purchasing agencies on various levels. The situation is not only insidious; it is appalling.

On the one hand, it is the responsibility of the Department of Justice to enforce the U.S. patent system. But, on the other, the Department of Defense, in its offshore drug purchasing policy, contributes materially to impairment of that system, and so does every other purchasing agency that buys from unlicensed suppliers.

What these agencies seem to overlook is that drugs obtained from U.S. suppliers actually cost substantially less than is indicated by the so-called purchase price; the Government collects income taxes on the resulting profits—50 percent at the 1964 corporate rate.

True, legislation to prohibit any agency of the U.S. Government from buying or using any item manufactured by a foreign firm using a pirated American patent is still pending before the Judiciary Committee of the House of Representatives.

But it may pend indefinitely unless Americans become aware of such legislation's significance—not only as it relates to the U.S. pharmaceutical industry, but as it relates to the research, development, manufacture, and marketing of every product developed by any citizen, individual or corporate.

We are not editorializing here concerning patent suits or antitrust actions. What concerns us—and it should concern every responsible American citizen—is maintaining the integrity of our patent system as set forth in the Constitution: "The Congress shall have power to promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries."

The need for legislation on patent problems is imperative on the international level as well. As regards those few countries whose patent laws are either inadequate or virtually nonexistent, it may well be that appropriate pressures could be brought to bear by agencies of the U.S. Government, with the establishment of reciprocal patent systems as our mutual goal. In any event, the currently permissive situation can be remedied only with intelligence and objective appraisal by all parties concerned.

NEEDED: A CLOSER LOOK

Another problem that currently concerns the U.S. pharmaceutical industry is also directly related to the public interest. This is the argument for virtual abolition of drug and pharmaceutical trade names.

Under this proposal, both prescribing physicians and dispensing pharmacists would be required to identify prescriptions solely by their chemical—or "generic"—ingredients or classification, with no specific indication of manufacturer.

But the proposal deserves a closer look.

To be consistent, for example, such items as automobiles, household appliances, food products, wristwatches, shoes, and cosmetics must be consigned to the same categorical anonymity, thus becoming purchasable only by serial or catalog number, and identifiable solely by the materials or components which the product contains.

Such reductio ad serial number would, of course, eliminate any preferential reliance upon a specific manufacturer, including his product, his integrity, and his reputation. Whether the product is soup or soap, vaccine or vacuum cleaners, it would be identified only by formula; not by brand or trade name identification.

Proponents of this alternative to our present marketing practices ignore a vital facet of our entire economic system: the right of the consumer to know the identity of the manufacturer, and, conversely, the obligation of the manufacturer to take full responsibility for his product.

Certainly there is no area of more personal concern to us as individuals, nor of greater responsibility in any industry, than that of medication—which can mean the vital difference between sickness and health, or between recovery and death.

These, and attendant problems, have also become facts of life for the U.S. pharmaceutical industry. But there is disturbing evidence that the far-reaching implications of the industry's problems are neither recognized nor appreciated by the majority of American people.

Indeed, matters relating to the U.S. pharmaceutical industry today affect the health, well-being, productivity, and economic stability of every citizen of our world—a fact which, despite Fidel Castro's other aberrations, the Cuban dictator clearly recognized by his demand for food and drugs during our critical negotiations 2 years ago.

He did not ask for gold, nor for machines, nor for clothing or housing or railroads. Food and drugs—he said—were more essential to the Cuban people than any other commodities we could provide.

When he made his demands of the U.S. pharmaceutical industry, he had been surely well advised: for more than 20 years, U.S. pharmaceutical manufacturers have led the world in development of new medicines. It might be said that U.S. pharmaceutical companies are actually doing more to alleviate the sufferings of mankind than agencies of our Government have been able to achieve in the same area, at great expense to our taxpayers.

But the pharmaceutical industry cannot continue to make such vital contributions if it is continually harassed by irresponsible accusations, designed to arouse rather than inform; U.S. drug producers cannot continue to add their research efforts to the exploration of such critical problems as geriatrics, cancer—or the common cold—if they are hobbled by political or vindictive regulations.

This is not to suggest that regulations concerning the pharmaceutical industry are either unnecessary or undesirable. Responsible members of the industry themselves are agreed that—even as the banking profession—the pharmaceutical industry, too, must have its regulatory standards and procedures.

But these matters must be assessed and determined with rationality, with perspective, and not with emotionalism or with rancor. And the U.S. pharmaceutical industry cannot solve these problems without the objective understanding of the American public.

After all, the American people and the U.S. pharmaceutical industry might well be called partners in the business of living—which is, in the final analysis, everyone's business. A meeting of the minds—between the industry and the public—should not be so very difficult to achieve.

We urge, therefore, that in any assessment of the U.S. pharmaceutical industry the American public consider how we have benefited from the industry's good works * * * and how its great achievements enable us to function, work, contribute, participate, enjoy.

Think about it. And then, as partners, let's do our intelligent and thoughtful share to keep this vital industry as healthy and dynamic as the pharmaceutical industry has helped us to become—in our businesses, our professions, and our daily lives.

DEFENSE DEPARTMENT CIVIL DEFENSE PROGRAM A FUTILE AND STUPENDOUS BOONDOGGLE

Mr. YOUNG of Ohio. Mr. President, the conditions of modern warfare make fallout shelters, so-called, of little or no use in saving American lives. Were we to be attacked with intercontinental ballistic missiles with hydrogen warheads, the total destruction and remaining radioactive elements would be such that underground shelters in basements and backyards would be covered with deadly contamination, and the lethal effects would last not for hours or weeks, but for months, or even for a number of years.

Shelter enthusiasts have pictured their subterranean suburbia as the sure-fire antidote for nuclear destruction. The fact remains that the most optimistic estimate of the devastation of nuclear attack, despite a network of shelters, places probable deaths at 50 million Americans, with some 20 million others sustaining serious injuries.

Assuming for the sake of argument that Civil Defense fallout shelters would save lives, there is no assurance that they would not be outmoded by more advanced weapons or that they would offer any protection against an attack even more deadly than a nuclear attack—biological warfare. Shelters in basements and backyards, even if there were sufficient warning to enable persons to enter them, might prove huge firetraps in urban centers in the colossal conflagration which experts say would certainly follow an atomic attack.

Assuming further that some Americans did have shelters that saved their lives in a nuclear war, what sort of world would they come up to? What would have happened to the buildings and to the atmosphere? What would they do for food once their 2-week bomb shelter supply was exhausted? This is not a pretty picture to paint, but it is the truth—the cold, hard facts of survival in a nuclear war.

Estimates of the cost of an adequate so-called shelter program—and it is extremely doubtful there is such a thing—range from $5 billion to more than $200 billion. Does any responsible Government official wish to embark on such a questionable gamble under these conditions?

The fact of the matter is that there is no way to preserve our way of life in a nuclear war. For too long now, our citizens have been confused and confounded with the periodic multimillion-dollar doses of psychological pablum administered by civil defense officials. This may explain the failure of the American public to take seriously the contradictory programs of this agency. Steadily, Americans have reacted against the hysteria, the alarms, and the practice alerts of the high-salaried civil defense bureaucrats and their toy-soldier paid underlings in American municipalities. It may indeed be possible to fool people for a while, but they cannot be fooled for long. Reaction to these hopeless shenanigans has changed from an early tolerant amusement to massive indifference, and finally to boiling indignation over an arrogant bureaucracy which has repeatedly proved itself inept, inefficient, and as one letter-writer put it to me, "A damned nuisance."

The survival of 180 million Americans—indeed, of all mankind—depends not on civil defense but on peace. It depends not on futile shelter programs inspired by a caveman complex, but on solid, workable international agreements aimed toward peace. Shelter building represents a psychology of fear. We ought to be talking about building homes for our people rather than hoodwinking them with foolish prattle about underground shelters.

Civil defense today is a myth. It is based on theories as antiquated as mustache cups, tallow dips, and Civil War cannonballs. In the nuclear age, there can be no realistic civil defense program.

Mr. President, in the Toledo Blade of August 7, 1964, there appeared an excellent article entitled "Promotion of Fallout Shelter Plans Deemed Futile, Perhaps Harmful" by Ray Bruner, science editor of the Toledo Blade, one of the great newspapers of the Nation. This excellent article sets forth clearly the futility in thinking that fallout shelters will protect our population against weapons of modern warfare.

Mr. President, in the Toledo Blade of March 15, 1965, there appeared an editorial entitled "Voice in a Bewilderness" setting forth concisely and clearly the absurdity of the present civil defense program. I am grateful to Paul Block, publisher of the Blade and one of the most eminent newspapermen in the Nation, for his wholehearted support of my efforts in this Congress to put an end to the civil defense boondoggle.

I ask unanimous consent that this article and this editorial be printed in the RECORD at this point as part of my remarks.

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

[From the Toledo (Ohio) Blade, Aug. 7, 1964]

WISDOM QUESTIONED: PROMOTION OF FALLOUT SHELTER PLANS DEEMED FUTILE, PERHAPS HARMFUL—SCIENTIST'S ANALYSIS THROWS DOUBT ON A-WAR AS DEFENSE

(By Ray Bruner)

Is the promotion of fallout shelters to protect our civilian population against weapons of modern warfare a futile waste of time and money?

This question is raised today in an analysis of Government strategy studies and scientific data on the effects of modern weapons, by Dr. Barry Commoner, of Washington University, St. Louis, who also seriously questioned the effectiveness of nuclear war as a system of defense.

In his analysis Dr. Commoner, who is chairman of the American Association for the Advancement of Science, committee on science, in the promotion of human welfare, considered the potentialities of four different categories of destructive weapons.

FOUR CATEGORIES LISTED

They are the conventional—high explosive and incendiary bullets, shells, and bombs; nuclear—bombs based on nuclear fission and fusion, and their radioactive products; chemical and biological—gases and liquids, or fluids, containing viruses and bacteria that kill humans, animals, and crop plants or cause psychological derangements; and "exotic"—weapons "vaguely known because of military secrecy."

Dr. Commoner said the United States is believed to have enough nuclear weapons to release 25,000 to 30,000 megatons of nuclear explosive (equivalent to 25 to 30 trillion tons of TNT) in a single attack. Furthermore, he said, it is apparent that both the United States and the U.S.S.R. could go beyond this.

Two years ago it was estimated that the United States had a sufficient number of bombers to carry 20,000 megatons for one attack. Since then, intercontinental ballistic missiles to take their place and submarine launched missiles have increased by a considerable number.

The United States is planning to set up the Nike X anti-missile-missile system. This also would release nuclear materials in defending our cities and military installations.

If the nuclear weapons were insufficient, both the United States and the enemy would have a supply of poison gases and liquids and infective organisms that could spread epidemics of plague, cholera, and typhoid fever in humans, and hoof-and-mouth disease, hog cholera, fowl plague, and rinderpest in farm animals.

In a nuclear attack, an enemy would not need to deliver as much as 25,000 megatons to be highly destructive, however. A major nuclear attack involving only 6,000 to 10,000 megatons could kill two-thirds of the U.S. population. It could destroy all ports and petroleum facilities, 80 to 90 percent of heavy industry and burn out half the Nation's land surface, so the land might not recover productivity for many years. Effects of fallout alone might cut agricultural production in half.

BOOKLET RECALLED

In his analysis, Dr. Commoner pointed out that the Federal Government published a booklet in 1961 urging every householder to set up and stock a basement fallout shelter or the equivalent. The booklet received widespread publicity. Furthermore, the Department of Defense still proposes the establishment of 55 million shelter spaces by 1968 through private initiative.

If a shelter were properly designed it could be a protection against fallout, he said, but if it were in a blast or fire zone it would be of no benefit. A conventional shelter, without a filter system, would not protect against finely divided dust, airborne poison gases, or disease agents. A family using such a shelter would also have to get to it in time.

But even after the protected families came out of their shelters could the Nation recover? He answered this by stating that if enough industry and agriculture were destroyed, shelter protection for the population would "actually jeopardize recovery." It might also be harmful to the ultimate survival of the population.

UNDERGROUND ECONOMY

Industry itself might go underground. Sufficient protection in an "underground economy," however, would cost an estimated $600 billion.

It would be important to protect agriculture. Nevertheless, there has yet been no way proposed to store livestock and topsoil to protect them against fallout.

Whatever type of shelter program we might adopt the enemy could naturally be relied upon to adjust his plan of attack to the design, Dr. Commoner emphasized.

"It is a basic fact," he said, "that, in modern warfare, it is easier and cheaper to increase the intensity of attack than it is to make the necessary improvements in either active military defense or in civil defense."

He saw no way for nuclear war or civil defense to "preserve our way of life."

And "if we now believe that the proposition to found the defense of the Nation on nuclear weapons was conceived in ignorance of its futile outcome, then we can face this terribly sober fact, acknowledge the error, and devote ourselves to the task of finding some other means of insuring the Nation's security."

Dr. Commoner's analysis was published by the Greater St. Louis Citizens' Committee for Nuclear Information.

[From the Toledo (Ohio) Blade, Mar. 15, 1965]

VOICE IN A BEWILDERNESS

For the seventh straight year, Senator STEPHEN M. YOUNG has raised his voice to blast the Nation's civil defense program as outmoded, senseless, and wasteful.

But again a President, Mr. Johnson, as did his immediate predecessors, has submitted a budget asking Congress to appropriate more money—$193.9 million for the coming fiscal year—to expand the civil defense program.

When President Kennedy transferred civil defense to the Defense Department (where if it is worth anything it belongs) and when the Defense Department decided to concentrate on fallout shelters in public and nonprofit institutions (where if they are worth anything they belong), we thought that maybe civil defense was going to be taken seriously.

Senator YOUNG, who keeps a sharp eye on the Civil Defense Agency, doesn't think so. He charges that it needs more funds only because the overstaffed and overpaid agency wastes the money "doing little or nothing."

He accuses the administration, Congress, and civil defense planners of trying to mesmerize the public with the illusion that there is an effective program, when there isn't.

Senator YOUNG, though he gets little support in Washington, where spending is a way of livelihood, is not alone in thinking that mesmerizing the public with an illusion, may well be the principal objective of civil defense; that the administration—any administration—believes it can pursue a stronger foreign policy and better protect the Nation's vital interests if the American people feel more secure.

In that case, the civil defense planners ought to pay all the more attention to this criticism of Senator YOUNG's, which reflects widespread public sentiment.

No civil defense program can ever strengthen the country's defense posture by making people feel their chances of survival are better as long as any considerable number of them suspect that's all it's for.

DR. GRANT DESERVES SUPPORT

Mr. YOUNG of Ohio. Mr. President, recently, I spoke in this Chamber in behalf of the administration's proposal for hospital and nursing home care for the elderly under social security. It is no secret that the foremost opponents of this beneficent legislation are those doctors who form the small clique in control of the house of delegates of the American Medical Association. In the course of my remarks, I mentioned a number of progressive proposals which were unsuccessfully opposed by the American Medical Association—programs which all Americans today take for granted. They included free diagnostic centers for tuberculosis and cancer; Red Cross blood banks; Federal aid to medical education; voluntary health insurance; Blue Cross; school health services; Federal aid to public health; and others.

Mr. President, I had thought that the day was long past when programs of this nature would be opposed by physicians and surgeons. However, apparently I was wrong. In the Washington Post of Sunday, March 14, 1965, there was published an article written by staff writer Nate Haseltine, entitled "Feud Simmers Between Doctors, City Health Chief." It appears that those doctors who control the District of Columbia Medical Society are irritated with Dr. Murray Grant, District of Columbia health officer and with his operation of the Health Department. There has been no overt criticism, but in the words of Dr. Paul R. Wilner, president of the District of Columbia Medical Society, "confrontations" are inevitable.

Mr. President, unbelievable as it may sound, here are some of the complaints: Officials of the medical society are opposed to Dr. Grant's plan to provide free identification tags for anyone with conditions that would require special treatment in emergencies. These include such things as hypersensitivity to certain drugs such as penicillin or insect stings, insulin shock or diabetic coma. It should be pointed out that the District of Columbia Medical Society has endorsed and supported a professional organization which for $5 will enroll any such person and provide him with emergency identification. Also, organized physicians are disturbed over Dr. Grant's proposal to set up a Health Department clinic in the housing project for oldsters on the site of the old Garfield Hospital, the Garfield Terrace housing project. This, they maintain, is in direct competition with the private practice of medicine.

Practicing physicians are further disturbed over Dr. Grant's proposal to set up a publicly financed homemakers service. The doctors are also nettled about Health Department operations of a mobile health screenings unit which offers and advertises in radio spots, its free services to anyone over 40 years of age. The medical society had endorsed the disease detection program as a service to the city's medically indigent. Some complaining doctors report that some of their paying patients are rejecting annual physical examinations on the basis that they passed their free tests at the mobile unit.

Finally, Mr. President, the medical society is critical of the fact that Dr. Grant is not channeling Kerr-Mills funds to patients who are not indigent but who would qualify for use of these funds to pay their doctors' bills.

Physicians and surgeons are the highest paid professional group in the country. It is disgusting to see their leaders criticizing basic public health services for fear of losing even a small number of medical fees for physicians and surgeons. These perhaps are strong words, but I believe that this is the gist of the entire controversy.

I am hopeful that District of Columbia officials will support Dr. Grant to the utmost in his dispute with the directors of the District of Columbia Medical Society.

Mr. President, I ask unanimous consent to have the article to which I referred printed in the RECORD.

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

[From the Washington (D.C.) Post, Mar. 14, 1965]

SHOWDOWN ON COMPLAINTS HELD INEVITABLE—FEUD SIMMERS BETWEEN DOCTORS, CITY HEALTH CHIEF

(By Nate Haseltine)

Troubles are simmering under the apparently calm relations between practicing physicians here and Dr. Murray Grant, District of Columbia Health Officer.

Both Dr. Grant and a newly formed committee of the District of Columbia Medical Society, however, are meeting weekly to, as one medical society official put it, "understand each other."

The Thursday meetings so far have been amicable. Not one loud voice has been raised, but future "confrontations" are inevitable, admitted Dr. Paul R. Wilner, president of the District of Columbia Medical Society and ex-officio member of the public health liaison committee.

PHYSICIANS COMPLAIN

At issue are a number of gripes, complaints coming in from practicing physicians about the increasingly aggressive programs of the Health Department.

They include such complaints as:

Dr. Grant has proposed that his department be authorized to employ a full-time physician to take over the work now being done without charge by a medical society committee. The committee passes on whether disabled motorists should or should not be barred from further driving.

Officials of the medical society are opposed to Dr. Grant's plan to provide free identification tags for anyone with conditions that would require special treatment in emergencies. These include such things as hypersensitivity to certain drugs such as penicillin, or insect stings, insulin shock, or diabetic coma.

Dr. Wilner pointed out that the Medical Society has endorsed a professional organization, Medical Alert, which for $5 will enroll any such patient and provide him with emergency identifications.

The organized physicians are disturbed over Dr. Grant's proposal to set up a health department clinic in the housing project for oldsters on the site of the old Garfield Hospital, the Garfield Terrace housing project. This, they maintain, is in direct competition with the private practice of medicine.

DISTRICT OF COLUMBIA GENERAL HOSPITAL GRIPES

The doctors are concerned over complaints by physicians at the District of Columbia General Hospital that Dr. Grant has sharply restricted the hospital director in his purchases and hirings.

Practicing physicians are disturbed over Dr. Grant's proposal to set up a publicly financed homemakers service.

The doctors are also nettled about health department operations of a mobile health screening unit which offers, and advertises in radio blurbs, its free services to anyone over 40 years of age. The medical society had endorsed the disease detection program as a service to the city's medically indigent.

Now, some complaining doctors report, some of their paying patients are rejecting annual physical examinations on the basis that they passed their free tests at the mobile unit.

MEDICAL AID TO AGED

Finally, and this complaint has already been publicized, the medical society is on record as critical of Dr. Grant's use of available Federal funds to help the District's aged medically.

The society charged that Dr. Grant is getting Kerr-Mills funds to augment his department's indigent care programs. None, however, is being channeled to oldsters under that part of authorizations which permit help to oldsters not qualifying under the District's indigency regulations.

Such oldsters with marginal incomes, under fund authorizations, would be permitted to go to their own practicing physicians, their bills being met partially (or temporarily fully in some cases) out of Kerr-Mills money.

None of the complaints, Dr. Wilner said, is sufficient to break down relations over health department operations. And no one, he added, criticizes Dr. Grant's administrative ability.

The medical society president said he believes all can be worked out satisfactorily through the meetings with Dr. Grant and the society's public health liaison committee.

The special committee was set up at Dr. Grant's request early this year to take over the duties of a much larger committee that was proving unworkable, Dr. Wilner explained.

The liaison committee is headed by Dr. Marvin C. Korengold. Its members include Drs. William Anderson, Josephine Renshaw, Theodore J. Abernethy, Paul B. Cornely, and Monroe J. Romansky.

The "confrontations" (Dr. Wilner's word) are yet to come.

VOTING RIGHTS

Mr. JAVITS. Mr. President, we are sometimes remiss in praising actions and events which work out well, but are always quick to be critical when things go wrong. This month, for example, the assault in Selma, Ala., upon nonviolent marchers protesting the denial of the right to vote took place, I rose on the floor of the Senate to protest and to ask the President of the United States—on the ground that it was a responsibility of the United States to protect its citizens in the exercise of their rights as citizens of the United States—to send troops or marshals into Alabama, if necessary, to protect the first amendment right of that people of that State.

This has been done. In a historic action, the President has assured thousands of Negroes in Alabama of their right to march. The demonstration of peacefulness, of religious feeling, and of patriotism, which has been engendered is historic not only in terms of struggle, but also in terms of the faith of the American Negro in the American system of government.

A week ago this evening, the President spoke of that fact in his moving address before the joint session of Congress. It was significant and good that the President should have done so.

Mr. President, in the interests of order and tranquillity, it is very important for the country that a peaceful method of expressing deeply held grievances be exercised with responsibility. This is especially important for the organizations which represent millions of American Negroes throughout the Nation.

Apparently, the march on Washington in August 1963, which was the first of these historic civil rights marches, did not convince Governor Wallace, and apparently did not convince the people in Alabama who supported him. I know that there are hundreds of thousands of honorable, good, and decent citizens in Alabama who have felt as heartsick over the events in Selma of a few weeks ago as many, many others have, including myself.

However, with the second march, which had to be guaranteed by Federal troops, it seems to be that throughout the South the handwriting shows clearly on the wall.

The PRESIDING OFFICER. The time of the Senator from New York has expired.

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

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

Mr. JAVITS. It is one thing for crackpots, sick people, criminals, or those so blinded by hatred that they do not know the difference between right and wrong, to try to plant bombs. They can do that in New York, Chicago, Philadelphia, Detroit, Hartford, or in any other city in this country. But it is another thing when the machinery of government and the power of government is turned against the people to deny them the fundamental rights which they possess under the Constitution.

That is what is being protested by countless citizens, including myself, with regard to Governor Wallace and the so-called law-enforcement officials of the State of Alabama.

Mr. President, I hope that this message will go out throughout the South: We understand their deep feelings on this subject. We understand their social order. We understand it perhaps better than they know. It is possible to accomplish these objectives side by side, in peace, provided that citizens will be allowed to remain at peace. On the one hand, every effort must be made to register the Negroes, and to give them the opportunity to petition, in peace, for redress of grievances. In conjunction with this, all constitutional rights may be litigated and injunctions may be sought against the marchers. This is understandable. It is also part of the American system of government. Both can go on side by side.

However, terror must never replace law in America.

Upholding the law is what the President has demonstrated in his dispatch of troops to Alabama. We can only hope and pray that the lesson will be learned throughout the South, and will be followed.

Then, indeed, Dr. Martin Luther King's crusade will inaugurate a new era in the realization of civil rights for Negroes, and all other Americans.

Let it not be forgotten that terror as a substitute for law, once turned against one minority segment of the population can be turned against all the people, including white people in individual communities.

When that law is broken, it is broken for everyone, not merely for Negroes.

Mr. President, I ask unanimous consent to have printed in the RECORD a fine editorial on this subject, published in the New York Herald Tribune today, entitled "The Cult of the Battleax."

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

THE CULT OF THE BATTLEAX

The march from Selma toward Montgomery is one of the most impressive demonstrations for any cause that the United States has seen. It has assembled men and women of good will from all over the Nation under the aegis of a powerful military force to walk for more than 50 miles toward a State capital. It is impressive both in the enemies it has made, the friends it has mustered, and the purposes it seeks to serve. That it will attain all its goals peacefully must be the profound hope of every American who wants to see the fulfillment of the elemental American dream of equality.

But the scope, yes, the very grandeur of the Selma march must, like the Washington march 2 years ago, induce some sober thoughts on the question of demonstrations in general. For both those who have opposed and those who have aided the Selma demonstrations have contributed, however unwittingly, to a glorification of the demonstration as a thing that is good or bad in itself. And so many take to the streets (or sit-in in corridors and offices) with little regard as to what this can contribute to the causes they serve, while others seek to stamp out any public assembly as a threat to the peace.

It should be recognized that no demonstration can be better than the goal it endeavors to realize. Some can be worse—too ridiculously small to affect public opinion favorably, directed toward the wrong persons or institutions, too violent. In a democracy, people have, of course, the right to make fools of themselves (providing this does not damage or threaten the lawful rights of others) and communities are wise to be as tolerant of demonstrators as is consonant with public safety. There is a very genuine right of assembly that must be respected.

But this is far from saying that demonstrations are intrinsically something to be glorified; that they are to be recommended freely to the idealistic to display their commitment, the existentialists to show their addiction to the "act," the malicious to vent their malice. To do that is to imitate the ancient Minoan cult of the battleax. It is a mysterious cult—no one is even positive now that the instrument honored was warlike. But in any case, it was a cutting blade that is worthy of no worship in itself—only for the end toward which and the skill with which it is wielded.

Let us honor those who march toward Montgomery, for they have already earned honor by steadfastness and courage in a worthy cause. But let no one make a fetish of the demonstration, for its edges are sharp and double, and it must be used only with forethought and dedication.

Mr. DODD. Mr. President, I commend the Senator from New York for his statement concerning the situation in the South. He has done so with his usual clarity and expressive eloquence. I join him in the sentiments he has expressed.

RUSSWURM AWARDS

Mr. JAVITS. Mr. President, last week, the National Newspaper Publishers Association met in New York City to confer its annual Russwurm Awards, named in honor of the publisher of America's first Negro newspaper, Freedom's Journal.

John Russwurm, an immigrant from Barbados, West Indies—who was also the first Negro college graduate in the United States—published the first edition of Freedom's Journal at 7 Varick Street, New York City, on March 16, 1827. Thirty years later, another New York Negro newspaper, the North Star, was published in Rochester by Frederick Douglass. This journal became one of the leading spokesmen for freedom and equality in America.

Today, there are 127 Negro-owned newspapers in the United States. All are weeklies, except the Atlanta Daily World and the Chicago Daily Defender. These papers have served as the voice of the Negro people as they struggled for full equality under the law. They have played a key role in the current civil rights movement. The Publishers' Association is headed by Frank Stanley, Sr., publisher of the Louisville Defender; Dr. C. P. Powell, publisher of the Amsterdam News, of New York, is vice president.

Mr. President, I ask unanimous consent to have the text of an editorial published in the first edition of Freedom's Journal on March 16, 1827, printed in the RECORD, together with the text of my remarks at the Russwurm Awards luncheon.

There being no objection, the editorial and remarks were ordered to be printed in the RECORD, as follows:

[From the Freedom's Journal, New York, Mar. 16, 1827]

To Our Patrons:

In presenting our first number to our patrons, we feel all the diffidence of persons entering upon a new and untried line of business. But a moment's reflection upon the noble objects, which we have in view by the publication of this Journal; the expediency of its appearance at this time, when so many schemes are in action concerning our people—encourage us to come boldly before an enlightened public. For we believe, that a paper devoted to the dissemination of useful knowledge among our brethren, and to their moral and religious improvement, must meet with the cordial approbation of every friend to humanity.

The peculiarities of this Journal, render it important that we should advertise to the world the motives by which we are actuated, and the objects which we contemplate.

We wish to plead our own cause. Too long have others spoken for us. Too long has the publick been deceived by misrepresentations, in things which concern us dearly, though in the estimation of some mere trifles; for though there are many in society who exercise towards us benevolent feelings; still (with sorrow we confess it) there are others who make it their business to enlarge upon the least trifle, which tends to the discredit of any person of colour; and pronounce anathemas and denounce our whole body for the misconduct of this guilty one. We are aware that there are many instances of vice among us, but we avow that it is because no one has taught its subjects to be virtuous; many instances of poverty, because no sufficient efforts accommodated to minds contracted by slavery, and deprivcd of early education have been made, to teach them how to husband their hard earnings, and to secure to themselves comforts.

Education being an object of the highest importance to the welfare of society, we shall endeavor to present just and adequate views of it, and to urge upon our brethren the necessity and expediency of training their children, while young, to habits of industry, and thus forming them for becoming useful members of society. It is surely time that we should awake from this lethargy of years, and make a concentrated effort for the education of our youth. We form a spoke in the human wheel, and it is necessary that we should understand our pendence on the different parts, and theirs on us, in order to perform our part with propriety.

Though not desirous of dictating, we shall feel it our incumbent duty to dwell occasionally upon the general principles and rules of economy. The world has grown too enlightened, to estimate any man's character by his personal appearance. Though all men acknowledge the excellency of Franklin's maxims, yet comparatively few practice upon them. We may deplore when it is too late the neglect of these self-evident truths, but it avails little to mourn. Ours will be the task of admonishing our brethren on these points.

The civil rights of a people being of the greatest value, it shall ever be our duty to vindicate our brethren, when oppressed, and to lay the case before the public. We shall also urge upon our brethren who are qualified by the laws of the different States, the expediency of using their elective franchise; and of making an independent use of the same. We wish them not to become the tools of party.

And as much time is frequently lost, and wrong principles instilled, by the perusal of works of trivial importance, we shall consider it a part of our duty to recommend to our young readers, such authors as will not only enlarge their stock of useful knowledge, but such as will also serve to stimulate them to higher attainments in science.

We trust also, that through the columns of the Freedom's Journal, many practical pieces, having for their bases, the improvement of our brethren, will be presented to them, from the pens of many of our respected friends, who have kindly promised their assistance.

It is our earnest wish to make our journal a medium of intercourse between our brethren in the different States of this great confederacy; that through its columns an expression of our sentiments, on many interesting subjects which concern us, may be offered to the public; that plans which apparently are beneficial may be candidly discussed and properly weighed; if worthy, receive our cordial approbation; if not, our marked disapprobation.

Useful knowledge of every kind, and everything that relates to Africa, shall find a ready admission into our columns; and as that vast continent becomes daily more known, we trust that many things will come to light, proving that the natives of it are neither so ignorant nor stupid as they have generally been supposed to be.

And while these important subjects shall occupy the columns of the Freedom's Journal, we would not be unmindful of our brethren who are still in the iron fetters of bondage. They are our kindred by all the ties of nature; and though but little can be effected by us, still let our sympathies be poured forth, and our prayers in their behalf, ascend to Him who is able to succor them.

From the press and the pulpit we have suffered much by being incorrectly represented. Men, whom we equally love and admire, have not hesitated to represent us disadvantageously, without becoming personally acquainted with the true state of things, nor discerning between virtue and vice among us. The virtuous part of our people feel themselves sorely aggrieved under the existing state of things—they are not appreciated.

Our vices and our degradation are ever arrayed against us, but our virtues are passed by unnoticed. And what is still more lamentable, our friends, to whom we concede all the principles of humanity and religion, from these very causes seem to have fallen into the current of popular feeling and are imperceptibly floating on the stream—actually living in the practice of prejudice, while they abjure it in theory, and feel it not in their hearts. Is it not very desirable that such should know more of our actual condition, and of our efforts and feelings, that in forming or advocating plans for our amelioration, they may do it more understandingly? In the spirit of candor and humility we intend by a simple representation of facts to lay our case before the public, with a view to arrest the progress of prejudice, and to shield ourselves against the consequent evils. We wish to conciliate all and to irritate none, yet we must be firm and unwavering in our principles, and persevering in our efforts.

If ignorance, poverty, and degradation have hitherto been our unhappy lot; has the eternal decree gone forth, that our race alone are to remain in this state, while knowledge and civilization are shedding their enlivening rays over the rest of the human family? The recent travels of Denham and Clapperton in the interior of Africa, and the interesting narrative which they have published; the establishment of the Republic of Haiti after years of sanguinary warfare; its subsequent progress in all the arts of civilization; and the advancement of liberal ideas in South America, where despotism has given place to free governments, and where many of our brethren now fill important civil and military stations, prove the contrary.

The interesting fact that there are 500,000 free persons of color, one-half of whom might peruse, and the whole be benefitted by the publication of the Journal; that no publication, as yet, has been devoted exclusively to their improvement—that many selections from approved standard authors, which are within the reach of few, may occasionally be made—and more important still, that this large body of our citizens have no public channel—all serve to prove the real necessity, at present, for the appearance of the Freedom's Journal.

It shall ever be our desire so to conduct the editorial department of our paper as to give offense to none of our patrons; as nothing is further from us than to make it the advocate of any partial views, either in politics or religion. What few days we can number, have been devoted to the improvement of our brethren; and it is our earnest wish that the remainder may be spent in the same delightful service.

In conclusion, whatever concerns us as a people, will ever find a ready admission into the Freedom's Journal, interwoven with all the principal news of the day.

And while everything in our power shall be performed to support the character of our Journal, we would respectfully invite our numerous friends to assist by their communications, and our colored brethren to strengthen our hands by their subscriptions, as our labor is one of common cause, and worthy of their consideration and support. And we do most earnestly solicit the latter, that if at any time we should seem to be zealous, or too pointed in the inculcation of any important lesson, they will remember, that they are equally interested in the cause in which we are engaged, and attribute our zeal to the peculiarities of our situation, and our earnest engagedness in their well-being.

THE EDITORS.

THE FEDERAL POWER AND SELMA

(Remarks of Senator JACOB K. JAVITS prepared for delivery at the Russwurm Awards luncheon of the National Newspaper Publishers Association, terrace room of the New York World's Fair at noon, Mar. 13, 1965)

The brutality and blatant violations of human and constitutional rights which we witnessed in Selma, Ala., during the last few weeks, is not news to you gentlemen. It is part, in fact, of an all too familiar pattern of State resistance—in some parts of the Nation—to any attempt to exercise those rights. The incidents in Selma constitute a direct confrontation between citizens of the United States, seeking to exercise their constitutional rights of free speech and petition, and the State of Alabama, which is quite obviously determined to prevent them from doing so. In such a situation it is the Federal power which must be asserted resolutely, otherwise the citizen is helpless, a victim of tyranny he cannot muster power to resist.

For months, we have been assured that the Federal Government was "observing the situation with concern" and that they were "exploring the possibility of legislation." The President's promise of a voting rights law, in fact, dates to his state of the Union message. As of this time, we have seen no such bill—not even a draft of a bill—in spite of constant proddings and proposals submitted by civil rights advocates in the Congress. And in the South, we have seen no significant Federal action outside the courts, not only to insure citizens their right to vote, but to preserve their very lives in the face of vicious and, on their face, unlawful actions by State officials.

If this kind of lawlessness continues, irreparable harm will be done to this Nation. I speak not only in terms of our national

image abroad—which has certainly been sullied by racial segregation and discrimination—but of the deep scars which will remain on the American character, if we allow this situation to continue. What can be done, and what are we in the Senate planning?

First, we must meet the immediate problem of violence and excessive police action which has characterized the Selma situation from the beginning. It is within the President's power—indeed it is his duty—to send Federal marshals—or if need be—troops to areas where it is necessary to preserve order and protect citizens.

There is ample precedent for such action. President Eisenhower sent troops to Little Rock and President Kennedy sent them to Mississippi when Federal rights were at stake. A clear and similar challenge is presented in Selma. And if the threat persists the response must be adequate to meet it. The wornout excuse that the Federal Government cannot concern itself with maintaining law and order within a State rings hollow in the face of these atrocities. Swift and firm action has been taken in the past and should be taken when needed.

Second, the Congress must pass effective legislation to curb police violence. Perhaps the most shocking fact about the Selma maulings last week is that they were perpetrated under color of law. Club swinging deputies used their badges as shields, and boldly announced that they were enforcing a court order. The citizen has little remedy in cases like this—and the U.S. Civil Rights Commission has recognized the deficiency. As early as 1961, the Commission called for laws which would impose criminal penalties for certain specific acts of police or law enforcement officials which were violative of constitutional rights. In addition, they asked for legislation which would make local governments financially responsible for the actions of police acting under color of law. I sponsored such legislation in the 88th Congress, and with six Republican Senators as cosponsors, I introduced it again last Thursday. Hopefully, the shock and disgust over that Sunday in Selma—which all Americans felt—will be mobilized into action for the passage of this bill.

Third, and most important in the long run, is the need for effective voting rights legislation. Until now, we have concentrated on court procedures to enforce these rights. And that is as it should be in a nation where we had always believed we could settle our differences in court. Unfortunately, in the civil rights field, court action is painfully slow, and delay is irremediable because human rights are at stake.

On Thursday, a bipartisan group of Senators met and agreed to introduce a meaningful voting rights bill, providing for the automatic appointment of Federal registrars in areas where the right to vote has been denied. We waited long and patiently for an administration bill along these lines, but we have waited long enough. As I have said many times, this is not a partisan issue. Democrats and Republicans are agreed that we can delay no longer, and Republicans and Democrats will unite—as we did in 1957, in 1960, and most effectively in 1964—to see that this bill is passed. While I cannot reveal the exact details of our bill until tomorrow, I want to assure you that it will be comprehensive, applying to State and local as well as Federal elections; that it will be automatic, not requiring court determinations, which can be made to affect long delays, and that, if adopted, it will be effective in ending voter discrimination definitively once and for all.

I know we shall have your support in this effort, and your support is vital. You are members of the leadership and you are the voice of the community. Negroes need to have faith in their leadership and to strengthen the whole cause by following their leadership.

The Civil Rights Act of 1964 was made possible, not simply because the American people demanded the result. The press, the civil rights groups, and most particularly, the churches were tremendous forces in achieving that victory.

The same forces are mobilizing this weekend, united in one clear voice, and we can assure our brothers in Selma and throughout the Nation: "We shall overcome."

CONTINUING COMMUTER RAIL SERVICES

Mr. JAVITS. Mr. President, I invite the attention of the Senate to an interesting report of the Regional Plan Association, bearing on the urgent need for continuing commuter rail services in the northeast and ask unanimous consent to have printed in the RECORD an article describing the association's views published in Traffic World magazine on March 20, 1965, entitled "Eastern Planning Group Would Have Government Step in To Keep Commuter Trains."

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

EASTERN PLANNING GROUP WOULD HAVE GOVERNMENT STEP IN TO KEEP COMMUTER TRAINS

Commuter service in the New York City area is essential and must be maintained even if Government must step in, the Regional Plan Association declares in a 12-point policy statement.

The association—"a research and planning agency supported by voluntary membership to promote the coordinated development of the New York-New Jersey-Connecticut metropolitan region"—issued the statement March 15 and said the heads of the three major commuter railroads in the New Jersey sector agreed generally with the 12 points.

The points, "prepared as a checklist for persons participating in the decisions needed to solve the present commuter railroad crisis," are:

"(1) There is no reasonable alternative to railroad commuter service in the New Jersey-New York-Connecticut metropolitan region, taking the service as a whole. Furthermore, the need for commuter rail service will increase over the rest of the century.

"GOVERNMENTAL RESPONSIBILITY

"(2) Maintaining essential commuter rail service is a governmental responsibility.

"(3) Commuter service can and in most cases probably should be separated from the freight and long-line passenger service of the seven railroads now carrying commuters in this region.

"(4) All of the private railroad corporations operating commuter service to New York City are willing to be relieved of responsibility for providing this service.

"(5) Any agency responsible solely for these commuter services would find it economical to invest in modernizing the commuter rail system. Savings from modernization—particularly compared to the inevitably rising operating costs that would occur without it—should substantially repay the investment. Since much of the rolling stock is over 30 years old, it is an opportune time to begin wholesale renewal of equipment. Research is needed on cars and system to insure the most advanced operation possible.

"(6) The scale of investment needed for complete modernization to sharply reduce operating costs and raise speed would be in the order of $1 billion for all of the commuter service now being provided by the railroads, an average of $100 million a year for a decade.

"(7) Additional operating and capital economies as well as better service could be effected by consolidating all the region's commuter rail service into a single system with one operating directorship.

"(8) A large share of the debt service and the operating costs of the rail commuter service could be carried from fares after total modernization and consolidation, assuming the elimination of all real property taxes (as per the highways) and assuming that the long-term debt would be at interest rates on the order of current local and State bond interest.

"(9) Since the Mass Transportation Act of 1964 offers a workable formula for State-Federal sharing of the capital costs (which ultimately affect operating deficits), it seems sensible to try it.

"(10) The three States should establish a public corporation to take responsibility for maintaining, modernizing, and consolidating all rail commuter service in the New York metropolitan region and, in accord with the advice of the Tristate Transportation Committee, make a long-range plan for the whole system.

"(11) Current deficits should be the responsibility of the three States.

"(12) If a tristate public agency cannot be organized swiftly enough to maintain service on one or another of the lines, three separate State agencies would serve temporarily if they were empowered to work together to continue service and directed to present a proposal for modernization and a combined tristate agency."

The association quoted Stuart T. Saunders, chairman of the Pennsylvania Railroad, as commenting:

"Railroad commuter services for Metropolitan New York cannot be operated privately without a heavy deficit. Yet this indispensable means of transportation is as much a public service as highways and streets.

"The best assurance of modern, efficient commuter service in the future is to provide public support. I believe that the most practical and least expensive method would be through contracts with public assistance groups, under which the railroads would operate commuter trains for their account."

Perry M. Shoemaker, president of the Central Railroad of New Jersey, said:

"The Central Railroad Co. of New Jersey commends the Regional Plan Association for its timely and constructive 'basic points' statement on mass transportation.

"It is somewhat optimistic with respect to the economics of modernization, but this does not detract from the validity of its recommendation that a regional public authority be assigned responsibility for the public service involved."

William White, chairman of the Erie Lackawanna Railroad, said:

"I agree with the basic premise of the Regional Plan Association's statement that public authority must assume the burden of operating losses incurred in operating suburban passenger service and provide the capital money necessary to modernize it.

"There is no justification for security owners of the railroad to bear the loss burden year after year, and under these circumstances management cannot justify the investment of capital money.

"We realize the awful impact that would result from Erie Lackawanna's discontinuance of suburban service not only on 35,000 commuters but upon property values in communities and a large number of employees.

"Our cooperation in helping to solve the problem is evidenced by our offer to donate locomotives and cars now used for that service to whatever public agency may be formed to assume the burden."

THE FUTURE OF THE PERFORMING ARTS

Mr. JAVITS. Mr. President, the Rockefeller Bros. Fund, in its report on the arts early this month, observed that "only in our time have we begun to recognize the arts as a community concern to be placed alongside our long-accepted responsibilities for libraries, museums, hospitals, and schools."

The report then went on to question how the arts should best flourish and how they are to be supported and maintained. The answer found was increased support by government at all levels, by foundations, by business, and by the public.

I have introduced legislation to this end, the National Arts Foundation Act of 1965, S. 310, and have cosponsored the administration bill, S. 1483, which seeks a similar goal.

Hearings were recently completed by the Subcommittee on Arts and Humanities of the Labor and Public Welfare Committee, under the chairmanship of the Senator from Rhode Island [Mr. PELL], and it is hoped that the proposed legislation will be favorably reported in the not too distant future.

I ask unanimous consent that an article printed in the March 13, 1965, Saturday Review appraising the Rockefeller Bros. Fund report and the assessing needs of the performing arts in our Nation, be printed in the RECORD.

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

THE FUTURE OF THE PERFORMING ARTS

(By Irving Kolodin)

It should be no part of a surprise for anyone moderately acquainted with the performing arts that the 250-page Rockefeller Panel Report on the subject, just published, concludes that many of their problems, and certainly the worst, relate to money. Like the individuals who make up the audience, as well as the participants, the performing arts suffer the common malady where money is concerned: not enough of it.

But it should be at least some part of a surprise that the report takes the optimistic view that this condition need be neither enduring nor permanent—that this society is rich enough to do much better than it has; that it has available resources that have scarcely been tapped; that an increase of not much more than one one-hundredth of 1 percent of the Nation's present annual income in the amount now spent on support of the performing arts could greatly extend their availability and substantially transform the economic conditions of those who devote their lives to them.

In the report many familiar facts are restated and some familiar conclusions adduced. What gives the report a particular and unique value is the ordering of a considerable amount of information that had hitherto been unordered, and the substitution of substantial data for what had been, in the main, inconclusive opinion.

It is perhaps the most-heard truism of the whole subject that death and taxes have drastically reduced the kind of patronage that prevailed in the past, when many major opera companies, symphony orchestras, ballet companies, and noncommercial theater groups were underwritten by individuals of means. But it is an interesting revelation of the report that "it is the individual—not the foundation nor the corporation—who shoulders by far the heaviest share of the responsibility for supporting American nonprofit institutions of all sorts." In the category of such nonprofit institutions are included religion, education, welfare, health, and foundations. Among them, these five receive 97 percent of the charitable contributions made in this country. One must look to the bottom classification of "Civic and Cultural Institutions" to find the fraction of the fraction (3 percent of the whole) allotted to the performing arts.

In 1963, individuals contributed 78.6 percent of all the money expended on support of nonprofit institutions of all sorts. Lagging behind all others in their contributions were business corporations. These provided only 5.3 percent of the total. Thus, for the support of civic and cultural institutions, which rate lowest among all "beneficiaries of charitable contributions," business corporations make the smallest proportionate contribution. The report recognizes that in the 5-year period from 1958 to 1963 corporate contributions increased by 2 percent. But in the same period "corporate income before taxes increased by approximately one-third."

Thus we have the odd paradox—or perhaps it is not so odd—that in a period marked by increasing demands for a share in the affluent society among those who play, sing, act, or dance, the principal beneficiaries of the affluence do least to redress the imbalance between income and outgo that threatens the standards and imperils the existence of every organization providing such employment. Significantly, it seems to me, the panel report endorses a phrase recently become familiar in contract negotiations between management and the bargaining agents for musicians, singers, dancers, etc.: "These conditions [deficit operation and the like] will not be solved by an attitude that assumes the artist should subsidize the arts by working for the lowest possible fee." In other words, it agrees that a musician of proper professional skills should be able to live decently, dress respectably, own the usual appurtenances of middle-class American life—car, television, modest home, perhaps. But, it appears, those who profit directly from such increased buying power are doing the least to make it possible.

To be sure, the report does not point a finger of responsibility solely, or even primarily, at the business world. It puts particular weight on the need for each arts organization to broaden the base of financial support in its community, on the importance of "imaginative * * * programs" to make the public "fully aware of the significance of the work being done," on the necessity for support not only on the civic but also on the State and Federal levels. But the fact remains that "the typical American corporation has so far shown very little enthusiasm for financial support of the performing arts. * * *" Out of "100 corporations of varying sizes" recently surveyed by the Rockefeller Bros. Fund, it was discovered that "55 percent gave something to the arts. But about half of these gave less than 1 percent of their total contributions to the arts."

What this means, of course, is that in a society that devotes so much of its energy and intelligence to making and selling, those who are concerned with other values are not only in a minority quantitatively but are also in a minority where interest is involved. A man who makes a lawnmower in Iowa that is bought by a man in Hollis, Long Island, may not much care whether the purchaser is a flute player or a financier, especially since there are relatively few flute players in Iowa to make him aware of their existence. But perhaps somebody ought to care whether the flute players and the second tenors and the character actors and the ballet dancers who make up the personnel of the performing arts organizations do qualify as consumers relative to the rarity of the skills they command and the time required to bring them to useful fruition, and whether they are employed in sufficient numbers to make up a respectable proportion of anything mentionable as a Great Society.

What these numbers might be is set forth in the report itself (where, unless I have overlooked it, the Great Society is never mentioned). I refer not to the contents of page 13, which identify 1,401 symphony orchestras ("more than double the number existing in 1939") or 754 groups now presenting opera or the 40,000 theatrical enterprises or the 200 dance companies. This laughable nose count includes not only everything but practically anything. As the report acknowledges, "Next to this glowing picture must be placed another, more sobering one: Almost all this expansion is amateur." Every one, even the humblest, may reflect credit on the participants—audience as well as performers—but they can hardly be counted among those whose place in the total society is the major concern of this study.

The focus should be, rather, on pages 54 and 55. These state, as the substance of the Panel's recommendations, that "the artistic goal of the Nation be the day when the performing arts are considered a permanent year-round contribution to communities throughout the country, and our artists are considered as necessary as our educators." Some prospective trainees at Juilliard or Curtis or Eastman may groan inwardly at a goal that assigns them to a social phylum that, of itself, is traditionally held to be undervalued as well as underpaid, but no matter; it is a handsome upgrading from the status to which they can, realistically, look forward now.

Failing the immediate accomplishment of this long-term goal, the Panel suggests, as a "worthy interim objective for the Nation," the development and maintenance of the following high-quality nonprofit professional organizations operating on a year-round basis:

"Fifty permanent theater companies—a number approximating the metropolitan areas with populations over 500,000, a size large enough to support a year-round resident theater.

"Fifty symphony orchestras—presenting concerts by the full orchestras as well as providing musicians for smaller orchestral and chamber music groups.

"Six regional opera companies—offering short seasons in several metropolitan areas not yet ready to support year-round performances—in addition to the four major resident companies and two permanent national touring companies already established.

"Six regional choral groups.

"Six regional dance companies, in addition to the two major resident dance groups now in existence."

It is to such an establishment (to use the language of the report) that reference was made, some paragraphs back, as the means by which the availability of the performing arts could be greatly extended and the economic conditions of those who devote their lives to them substantially transformed. The estimate of cost is arrived at by the following assessment: Approximately $60 million is expended annually in support of the existing institutions for the performing arts. To bring them to the conditions of year-round operation (a reality only recently in a few favored centers) and to add the numbers required to spread the program nationwide would cost between $150 and $200 million. It is estimated that the increased activity in itself would generate between $50 and $80 million in box office income. This leaves a deficit of from $40 to $60 million. Even the "larger amount,"

says the report, it "not much over one-hundredth of 1 percent of the Nation's present annual income. * * *"

If it is not to come from the lawnmower manufacturer in Iowa, or his counterparts in the other 49 States, who is it to come from? Individuals, says the report, though constituting the largest single source of charitable contributions, still "use only a small fraction of the 30-percent deduction from their taxable incomes that the Federal Government now permits." It continues: "In 1962, the latest year for which figures are available, the average of itemized contributions by individuals constituted only 3.5 percent of their adjusted gross income—not much more than a tenth of the income-tax-free deduction permitted." The report describes this as a "very large potential" source of individual contributions. Others, however, might be inclined to regard it less hopefully. If all or a substantial share of those who do not use their deductible privilege were ticket buyers or subscribers, the picture would already have a brighter look.

Citing the participation of such corporations as United States Steel, Bell Telephone, Texaco, Esso, and the American Export and Isbrandtsen Lines in support of the performing arts, the report nevertheless notes that "at present only a handful of firms use the full 5-percent Federal income tax exemption for contributions to philanthropic enterprises." It cites one (unidentified) president of a corporation that does utilize the full 5 percent as saying: "We are in a world competition for survival, and if we do not meet the requirements of a free society to support education, culture, medicine, welfare, et cetera, we will give the rest of the world one good reason to put us in the category of a second-rate nation * * * the large corporations in this country have the funds to meet the challenge and our Government has given them the green light."

The role of the foundations is also accounted for in this wide-ranging résumé of "problems and prospects." It recognizes that it has been the traditional role of foundations to "support research and training rather than performance," but, it says, the "very essence of the performing arts requires that they be viewed in another framework * * *. A play, a piece of music, or the outline of a ballet has only a partial existence on paper. Performance before a live audience is itself part of the process of realizing a work of art. This unique characteristic of the performing arts is not widely understood as yet by philanthropic sources." It stresses, too, the role of the local foundation in serving local needs, as opposed to the bigname foundations that address themselves to problems on a broader front. Credit, too, is assigned to those communities (such as San Francisco, Salt Lake City, Philadelphia, and Los Angeles) that have made a start on assistance to the performing arts in their own localities, and to such a venture as the New York State Council on the Arts. But it is generally recognized that these are at best limited and peripheral.

As parent to the whole body politic, the Federal Government remains the last, if not the best, hope of those who see problems multiplying more rapidly than the prospects of resolving them. It is still a fact, as the report records, that "the support and attention the Federal Government has given to the performing arts—and, for that matter, the arts in general—has been largely incidental to some other purpose." This even includes the $25,000 voted by Congress last August for the National Symphony Orchestra (a local problem, since it is based in the District of Columbia, which is a congressional concern), as well as the $15,500,000 voted to constitute the National Cultural Center as a memorial to the late President John F. Kennedy.

But the Federal Government cannot be immune to the existence of a strong commitment to the performing arts on the part of an influential if proportionately small element of the public, any more than it can ignore wildlife or philately. Urban renewal has contributed indirectly but influentially to the creation of a great center in New York and other facilities in Washington, Baltimore, Asheville, N.C., Chicago, Pittsburgh, Milwaukee, and elsewhere. The cultural exchange program has involved the State Department with almost every aspect of the performing arts, except the problem of what to do if the organizations to perform them didn't exist.

Recognizing the problems that impend before a program of direct financial assistance from the Federal Treasury can be created for the performing arts, the report nevertheless offers some productive lines of procedure short of the ultimate commitment. It remarks, for example, on the 10 percent Federal tax levied on musical instruments, the tools of the musician's trade. It takes note of the load upon the commercial theater (which does not otherwise receive much of its attention) created by the 10-percent admission tax.

It also takes exception, and validly, to the burdens imposed by omission rather than commission. These include the oversight (the word is mine) by which the jukebox industry is permitted to operate without payment for the use of music, or any responsibility beyond the cost of a record. Says the report: "It is estimated that the gross income from approximately half a million jukeboxes is close to half a billion dollars a year. If the jukebox industry were subjected to royalty payments for playing copyrighted music, the musical arts as a whole could be given a substantial lift." It also suggests that there "seems no reason why (educational television) should receive blanket exemption from the payment of reasonable fees." It regards this as another pressure to force the artist to provide a partial subsidy for the general cultural and intellectual development of the Nation.

In its effort to survey the wide spectrum of activity that comes within the community of performing arts, the report looks also at organizational and managerial problems (a director, it suggests, should be auditioned as carefully as a second violinist), at the relationship of the colleges and universities to the artist and his well-being, at the development of a broader, more responsive audience, and even at the training of critics.

As befits its billing as "a challenge, not an answer," the report restricts itself to the problems and prospects of the performing arts but does not venture into prophecy. It might, however, have probed a little deeper into the responsibilities of labor in the relationship of management and performer, since it aligns itself with the view that union members form the core of the performing arts, and that they are among those who should not be required to subsidize such activity. But in a general discussion of problems and techniques of negotiation, it does not deal with the increasing tendency of labor personnel (musicians, that is) to disregard the recommendations of their own elected officials. Nor is there adequate discussion of the extent to which conditions of work demanded as a quid pro quo for a contract affect the quality of the result.

On the aggravating question of the profits, by commercial television and radio, from the use of airwaves—which "belong to the public"—and their possible utilization for the support of the performing arts, the report terms it a "complex matter" that is not "within the purview of this study" and one on which "this panel has not taken a position." It presents both points of view mentioning the possibility of a tax on the gross national income of the industry (estimated at over $2 billion a year) or a levy on the sales of radio and television stations, which "over the past 10 years, have amounted to about $1.06 billion." It also states the countercontention of the industry that "they probably contribute as much, if not more, to the performing arts than they receive," through employment opportunities, development of audiences, and public service programs. The hollow sound of this assertion has its echo in the admonition that "the commercial television industry has a definite responsibility to improve its methods of presentation and programing in the performing arts."

To deal with every point raised, every area investigated, would take a report as long as the report itself. In the aggregate, it serves more than usefully to hack out some of the underbrush that clutters the terrain, enabling those who are so disposed to see exactly what the problems of growth are. It has assembled some pertinent statistics and put the problems of the performing arts in a recognizable perspective against the problems of other nonprofit institutions. It has given prominence to some urgent needs that might be considered by the newly appointed Presidential panel headed by Roger L. Stevens.

Its major recommendation for Federal assistance—"the present Federal aid for arts organizations * * * can be most effectively provided through matching grants to meet the capital needs of arts organizations"—is at least debatable. This would do nothing to answer the contention that artists "should not be required to subsidize the arts" and substitute a more splendid misery (to use Jefferson's phrase about the Presidency) for the less splendid misery to which it directs proper attention.

In a time when the Federal administration has elected to affiliate itself with the concept of a Great Society, it should be possible to push for something more than a housing program for the arts. If farmers, who feed the body of the Nation, are a primary concern for aid programs, price support, and other assistance, the artists who feed its mind and spirit are entitled to something more than no concern at all. In a recent speech to the National Industrial Conference Board, President Lyndon B. Johnson said, "I am able to tell you that the Treasury * * * will shortly make public changes in the depreciation procedure which will allow business to receive this year about $700 million of benefits * * *." It would take less than 10 percent of that to set up the whole interim establishment for the performing arts that the Rockefeller report recommends.

FIREARMS LEGISLATION

Mr. DODD. Mr. President, later today I shall introduce two firearms bills which constitute a major implementation of the war President Johnson has declared on our exploding crime problem.

I think it is appropriate to point up this occasion by inserting in the RECORD a radio editorial by Edward P. Morgan on the President's crime message.

Mr. Morgan is a broadcaster of wide experience and high reputation. I am confident that his comments put into proper focus for many Americans the concrete and immediate recommendations and the long-range possibilities for reducing crime that are contained in the President's message.

Not only do we have to stop the illicit traffic in guns and drugs, we have to go into the deeper and more intangible

aspects of the crime problem, to find out "who is a criminal and why," as Mr. Morgan puts it.

I share his hope that the commission the President will appoint will come up with a "penetrating analysis of the origins and nature of crime in the United States."

I commend this editorial to my colleagues' attention and ask unanimous consent to have it printed at this point in the RECORD.

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

EDWARD P. MORGAN AND THE NEWS

President Johnson makes it obvious that he is aware of the fact that no Great Society can be sustained without great reforms. His messages to Congress on conservation, on cities, on schools and other major aspects of American life calling for attention have all stressed not just the need for tax dollars to support new programs but the need for research, the urgency to break outdated molds and processes to find new and better ways of doing things. There was a similar emphasis in his message yesterday on crime but it will have to be sustained and sharpened in the areas of crime prevention and penal reforms before any real headway can be made against one of society's oldest afflictions.

The fact that the bid to end the unsupportable mail-order traffic in guns has now been made for the first time on the Presidential level should insure passage of the modest legislation proposed by Senator THOMAS DODD, of Connecticut, for that purpose. Hopefully, despite the cries of the firearms lobby, it may encourage individual States to fortify that measure with the objective not only of reducing crimes of violence and hunting accidents but of checking the growth of such potentially sinister vigilante outfits as the Minutemen whose members are armed against what they call the internal threat of communism. The 50 States, says a sensible New York Times editorial, should not only bring rifles and shotguns under licensing controls but ban the sale of pistols and revolvers.

But there are deeper problems. Who is a criminal and why? There have been countless studies of the question. Some reforms have ensued but the harsh fact is that the Nation's crime rate has doubled in 25 years. Now the President proposes a sweeping but penetrating analysis of the origins and nature of crime in the United States. This could be just another survey, published and stacked away to collect dust. Or it could be something verging on the revolutionary. Said the President: "We cannot tolerate an endless, self-defeating cycle of imprisonment, release, and reimprisonment which fails to alter undesirable attitudes and behavior. We must find ways to help the first offender and avoid a continuing career of crime."

One of the manuals the proposed Presidential law enforcement commission could well use is a little book published just last week, entitled "Behind Bars." It describes what Chaplain Julius A. Leibert saw in Alcatraz and California's Folsom and San Quentin prisons. With understandable anger, Rabbi Leibert discovered that on the whole, prison authorities expected a chaplain to "stick to the spiritual." Men of God, presumably, were to make their rounds without any earthly reactions to the waste and cruel injustices of prison life. Despairing of getting any attention through channels for his alarm over the failure of the parole system to rehabilitate criminals the rabbi finally wrote a letter to the San Francisco Chronicle suggesting a halfway point between prison and freedom where those eligible could adjust to their return to civilian life. The letter drew wide attention—and a round reprimand from the warden of San Quentin for violating institution redtape.

Chaplain Liebert is guilty of the human approach. He looked at the prisoners. "They were fellow human beings," he writes, "who for one reason or another had gotten in wrong. A man is born into a world he did not create, of parents he did not choose, inheriting traits about which he had nothing to say. Is he the chooser of his fate? The men here were murderers, rapists, robbers, perverts—cons. I walked among them and I thought 'There but for the grace of God go I.'"

"Prison punishment," the rabbi concludes flatly, "has no remedial value." He would not let a killer go free but he sees utterly no sense or justice in a system in which a youngster who starts as a delinquent gets a complete course in crime in prison instead of having some of his usefulness as a citizen salvaged. One of his ideas would be to have ex-convicts treated in convalescent homes, created on a national scale, "treated not punitively but psychiatrically, with compassion, with consideration, and with all the skill we have acquired for the reeducation and reconditioning of human misfits."

Crime in this country is becoming entirely too visible. One of the troubles with the prison system is that, like poverty, it is not visible enough. Hopefully, the President's Commission will bring home to the public the need for more reform. It would be a crime not to.

This is Edward P. Morgan saying good night from Washington.

SEVEN HUNDREDTH ANNIVERSARY OF BIRTH OF DANTE

Mr. DODD. Mr. President, I have noted with great interest that many of our fine Italian-American organizations are making special plans this year to honor the 700th anniversary of the birth of the great scholar Dante.

All Americans might well join with their friends and associates of Italian descent, to pay honor to one of the world's foremost citizens, a man who thought and acted centuries in advance of most of his contemporaries.

Dante Alighieri was a truly astonishing man. In a relatively short life—he died at the age of 56—he mastered many fields of knowledge and action.

He was not just a poet even though these works made him one of the greatest poets in history. His contributions to the medieval and modern civilizations encompass the fields of art, music, science, philosophy, and psychology as well.

In addition to these great gifts to mankind, Dante was one of the foremost statesmen of his time. His thoughts and writings on government are just as applicable and meaningful today as they were seven centuries ago.

I congratulate our loyal citizens of Italian parentage who are this year making an extra effort to call to everyone's attention the many great contributions which Dante has made to mankind.

I hope that our schools and colleges will also try to join in the celebration of this 700th anniversary, so as to help bring to the youth of America better understanding and appreciation of the immortal Dante Alighieri.

PROPOSAL FOR APPOINTMENT OF CUSTOMS COLLECTORS IN ACCORDANCE WITH CIVIL SERVICE LAWS

Mrs. SMITH. Mr. President, I am pleased to learn of the President's proposal that the appointment of customs collectors be taken out of politics and placed under civil service.

I advocated this as far back as 9 years ago in May 1956, when I introduced S. 3823, which proposed taking the appointment of customs collectors out of politics and requiring that they be appointed in accordance with civil service laws.

Unfortunately, my bill did not get anywhere in the Senate at that time when the President was the majority leader of the Senate. That was during the time that a Republican President was making the appointments of customs collectors.

I am not unaware that, under the current proposal of the President, Democratic-appointed customs collectors would be frozen into their positions and that such a gain for Republican-appointed customs collectors would have been possible 9 years ago under my bill at that time.

But this comparative potential gain for the Democrats is not to be begruded to the point of President Johnson's proposal being blocked by the Senate. I truly hope that the Senate this year will permit the President's proposal to go into effect as contrasted to the failure of the Senate 9 years ago to take any action on the same proposal incorporated in my then bill S. 3823.

THE VOTING RIGHTS BILL

Mr. ROBERTSON. Mr. President, I ask unanimous consent to have printed in the RECORD a notable editorial—from the Wall Street Journal of Monday, March 22, 1965—entitled "An Immoral Law," pertaining to the pending voting bill, S. 1564, together with a copy of my telegram of today, to the editor of the Wall Street Journal, suggesting an appropriate postscript.

There being no objection, the editorial and the telegram were ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Mar. 22, 1965]

AN IMMORAL LAW

When President Johnson last Monday asked Congress for a new law to safeguard the voting rights of Negro citizens he rested his case on the Constitution and on a basic principle of morality.

What he has now proposed that the Congress do is enact a law which would violate that Constitution he asks us not to flout and, more, which is itself immoral.

If you think not so, consider:

The administration bill offers a formula—a complicated one, which we will come to in a moment—to prohibit certain States from using any test of a citizen's ability to read and write our language as a qualification for voting.

The argument for doing this is the 15th amendment to the Constitution which provides, clearly enough, that neither the Federal Government nor any State shall deprive a citizen of his vote on account of his race or color.

But the proposed bill does not stop with providing means against the violation of the 15th amendment. It does not aim at insuring that any such State literacy test shall be fairly drawn and impartially administered so that it may not be used as an excuse to deprive anyone of his vote on account of his race.

The effect—and indeed the purpose—would be to abolish such tests entirely in the affected States. And that flies squarely in the face of this selfsame Constitution which the President professes to uphold.

The very first article of that Constitution authorizes the individual States to decide the qualifications of voters in both Federal and State elections, subject only to the proviso that whoever is deemed qualified to vote for the most numerous branch of the State legislature is automatically qualified to vote in Federal elections.

Making this a State function was no casual decision. It was reaffirmed in identical language in the 17th amendment—adopted, incidentally, more than 40 years after the 15th amendment, which provided that all such qualifications should be impartially applied among all citizens.

This principle in the Constitution has been repeatedly upheld and affirmed by the U.S. Supreme Court, not merely in dusty antiquity but as recently as 1957 by judges presently sitting upon that bench.

Now we are well aware that there are a good many people, and perhaps the President is included, who oppose any literacy requirement. They say that a man's illiteracy is irrelevant to the question of having his judgment counted in public affairs. No man can quarrel with the right of such people to argue their case and, if persuasive, to alter the Constitution so as to prohibit them.

But the requirement that voters be able to read and write is by no means restricted to those Southern States now the object of this special legislation. Many others—including New York State—requires that qualification, as the Constitution entitles them to do.

If it is immoral, as the President says, to deprive a qualified citizen of his right to vote "under color of a literacy test," is it moral to violate one part of the Constitution under the color of upholding another which is in no wise in conflict?

Nor does the question end there, for what this bill proposes to do is to set up a double standard. Some States would be permitted to keep their literacy requirement. Others would not.

The formula prescribed is that of a ratio between the number of persons of voting age within a State and the number of voters in an election. If 50 percent or more of the voting age inhabitants do vote, then the State is absolved. The Federal authorities will keep out, and the State may set its own qualifications for voters, including literacy tests. Otherwise, no.

This formula has been carefully devised so that in practice it is expected to apply only to six States, Alabama, Louisiana, Mississippi, Georgia, South Carolina, and Virginia. In these States the Federal authorities would not only have the right to supervise voter registration but to abolish the voter qualifications they don't like.

A few moments reflection on this formula will suggest such weird paradoxes and the possibility of such strange discriminations, as to stagger the mind.

A minor one is that a strict application of the formula would probably make it applicable to Alaska. However, a way has been devised to exempt it, which as much as anything suggests that the intent is not to write a general rule of law but to subject certain States to special laws.

Not so minor, but certainly weird, is the provision that a person once registered as a voter by the Federal authorities will be stricken from the list if he fails to vote "at least once during 3 consecutive years while listed." In short, you have to vote or you can't.

Of more consequence is the fact that if we have this law a citizen, white or Negro, can be entitled to a vote in Alabama no matter how illerate he is, or for that matter even if he is a moron. But if the same citizen, white or Negro, lives in New York State he will not be entitled to vote.

This would creat a truly ingenious paradox. The illiterate citizen, Negro or otherwise, would find himself with more rights in Alabama and her five outcast sister States than in the great State of New York. More, the educational level of the voting citizens of Alabama, the low level of which is part of the general complaint against it by civil rights leaders, would be further reduced. And this by Federal sanction.

Unfortunately, the irony is not funny. Beneath the paradox lies a serious question. Is it moral that our national laws should apply one rule to one State and another to another, requiring that the people of one State abolish qualifications for voters while the people of another State may uphold their standards?

Nor is that the end of the consequences of that weird formula. Recall that it permits the Federal Government to put all this machinery in motion, the takeover of the whole voting procedure by Federal authorities, only when the voting percentage of a State falls below 50 percent of the voting age population. If there was ever a device open to what President Johnson calls manipulation, this is it.

So long as a State contrives that one-half of its adults vote, it is free of the formula. This will not be overlooked by ingenious men who can contrive many things when justice is measured by the percentages.

And this brings us to what we think is the fundamental immorality of this proposed law, unintentioned though it may be by those who drew it.

Any citizen, white or Negro, has the right to be treated by the law like all other citizens. If he has to meet qualifications to vote—age or any other—they must be only the qualifications asked of all. If he qualifies like any other he has the right to vote, and to deny him that right is to deny him what is inalienably his.

It makes no difference whether 99 percent of his neighbors vote or whether only 20 percent do. It makes no difference whether he has voted in the last three elections, or in none at all before he presents himself at the polls. His right is to vote or not vote as he pleases.

That is the whole of the moral issue. And the whole duty of government, insofar as it touches this matter, is to see that all equally can exercise this right.

The constitutional duty of the Federal Government is to see that this right is not abridged—anywhere, populous States or sparse States, Northern States or Southern States, where many go to the polls or where few take the trouble to. The means of assuring this—everywhere—is what any Federal voting law ought to do, and all it ought to do.

To play with complicated formulas, to measure justice by percentages, and to aim punitive laws at some States, not only violates both the letter and the spirit of the Constitution but buries the real moral question in sophistry.

The WALL STREET JOURNAL,
New York, N.Y.:

In commending your editorial "An Immoral Law," I suggest the following as a postscript, so to speak:

New York requires voters to be able to comprehend English which disqualifies thousands of Puerto Ricans who are not helped by the pending bill. The adult population in Virginia includes thousands of servicemen, students and the crews of ships, none of whom have acquired a voting residence. Yet, over 51 percent of adults in Virginia were registered in 1964 and only 41 percent exercised the privilege to vote. At the present time, all that an applicant to register needs to do is to sign his name to a printed form and fill in the questions about his age and residence, as he must be in the State 1 year: In the county or city 6 months, and in the precinct 30 days. But in the Lassiter case from North Carolina, the Supreme Court in 1959 unanimously upheld a much stricter literacy test. In *Luther* v. *Borden* (48 U.S. 1), the Court said: "It is no part of the judicial function of any court of the United States to prescribe the qualifications of voters in a State giving the right to those to whom it is denied by the written and established constitution and laws of the State or taking it away from those to whom it is given." That has been the so-called law of the land ever since and confirmed in the constitutional amendment for the direct election of Senators. The farce of the claim that the 15th amendment changes those provisions of the Constitution is illustrated by the fact that the Senate included in the 15th amendment "discrimination based on nativity, property and education." The House defeated that amendment on February 15, 1869, by a vote of 133 to 37 and the Senate agreed to the House language, which is the language in which the amendment was proposed and ratified. In deliberately eliminating education from the 15th amendment, the Congress that proposed it and the States that ratified it, foreclosed any congressional action in that field.

A. WILLIS ROBERTSON,
U.S. Senate.

ZACHARY LOUSSAC—A GREAT CITIZEN

Mr. GRUENING. Mr. President, a great citizen, a man of vision and public spirit, has left us. He was Zachary J. Loussac, a lifelong resident of Alaska, a former mayor of Anchorage, dead at the age of 82.

He was a successful businessman who had a deep feeling that he owed a debt to society which gave him the opportunities that America—and in his case, Alaska—afforded him.

Years ago, he made up his mind that a part of his fortune, which was not great, should be left in Alaska, for public purposes; so he established the Loussac Library in Anchorage, which has been invaluable as a center for meetings of all kinds of public bodies and as a library. Furthermore, in his will he left most of his remaining fortune to the University of Alaska.

I ask unanimous consent that an editorial entitled: "He Loved the City That Was Good to Him," from the Anchorage Times, as well as two news articles appearing in the same issue of that newspaper—on Tuesday, March 16, 1965—reporting on his death and the regret which

the people of Alaska feel, and an article headlined "'Zac' Loussac Succumbs," which was published in the Anchorage Daily News on Wednesday, March 17, 1965, be printed in the RECORD at the conclusion of my remarks.

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

[From the Anchorage Daily Times of Mar. 16, 1965]

HE LOVED THE CITY THAT WAS GOOD TO HIM

This city lost a true friend in the passing of Z. J. Loussac in Seattle.

He was a Russian refugee who became a druggist in Anchorage and won fame and glory as a businessman, civic leader, public servant, and philanthropist.

So great was his friendship for the town which he said was "good to me" that he sacrificed retirement in luxury to help it. He gave half of his wealth to a trust that will endure for many years, providing funds for social, cultural, and recreational activities in this area.

Thousands of local residents will have a feeling of personal loss because of their acquaintance with Mr. Loussac and the community party that was held for him 3 years ago when he marked his 80th birthday anniversary.

Mr. Loussac led a full life during his 38 years in Anchorage. He worked long hours in his drugstore. He accumulated wealth. He grubstaked friends who thought they knew where there was gold in the hills. He invested in gold mines and was one of the owners of the coal mine that is still operating at Jonesville.

While doing all this he participated in the social life of the community and was the leader of many civic organizations and projects. He enjoyed a wide circle of friends and they enjoyed him.

It was in 1953 that he retired and made his home in Seattle, leaving Anchorage reluctantly. He went to Seattle to be near the oldtimers of his day while a new generation carried on the work of the community that he loved.

Mr. Loussac's generosity to the city will probably get more prominence than the long list of constructive activities that marked his life here. He is the only man who has endowed his hometown so generously. He is probably the greatest philanthropist Alaska has ever had.

It was because Mr. Loussac felt Anchorage had been "good to me" that he wanted to be good to Anchorage. "Everything that I earned came from here and I want it used here," he said.

The public library building is a monument to him. Funds from Mr. Loussac's gifts are paying all the construction costs which, including interest, total about $500,000.

This city will always be a better place to live because Mr. Loussac made it that way. He helped shape it from a tent city to Alaska's largest. He left a permanent imprint and the community is grateful.

The sympathy of the community is extended to his widow, Ada.

[From the Anchorage Times, Mar. 16, 1965]

BENEFACTOR'S DEATH IS MOURNED BY CITY

Anchorage today mourned the death of Z. J. Loussac, former mayor, civic leader, and benefactor who died Monday in Seattle.

The Loussac Library, his gift to the city of Anchorage, will be closed from noon to 3 p.m., Thursday, the time funeral services for him will be held.

Lyman Woodman, acting city manager, today expressed the city's "dismay at the loss of its greatest friend and booster."

Woodman said the result of Loussac's more than 40 years of contact with the city would be felt by citizens for generations to come.

He pointed out that, just 3 years ago, the city celebrated Loussac Day as a means of expressing its admiration and gratitude in person to one who had "devoted himself and his assets to the city which had given a new world opportunity to a penniless Russian immigrant."

Pharmacist Francis Bowden, who worked for Loussac during the World War II years in which Anchorage grew from a small town to a major city, termed his former boss "a friend for whom I've always had the greatest respect."

Bowden said Loussac "was fair in everything he ever did. When he made promises he kept them and he stood behind his employees 100 percent. He operated his Loussac drugstore on Fourth Avenue and was owner of another store in the Anchorage Hotel, but he never interfered in the operation of the store."

"Loussac and I once ran for mayor at the same time. I had been mayor two terms, from 1946 to 1948, and he was running for public office for the first time. He beat me badly, but I never regretted it as he was a fine mayor," said Bowden, coowner of Hewitt's drugstore.

City Clerk Ben Boeke, who also was city clerk during Loussac's term as mayor, recalls him as "a progressive mayor who pressed for street paving and utility expansion."

"He, Loussac, was one of the founders of the League of Alaskan Cities. He had to sell the Anchorage councilmen as well as the other communities of Alaska on the idea," said Boeke.

[From the Anchorage Times, Mar. 16, 1965]

FORMER MAYOR Z. J. LOUSSAC DIES—HAD BEEN IN FAILING HEALTH SINCE QUAKE; RITES SET THURSDAY FOR PHILANTHROPIST, RETIRED CIVIC LEADER

SEATTLE.—Z. J. Loussac, 82, described by his physician here as "Mr. Alaska—who helped keep up the morale in Anchorage after the earthquake," died here Monday afternoon.

Loussac entered Providence Hospital 2½ weeks ago for diagnosis and treatment. He underwent surgery 10 days ago and failed to recover from complications that developed, Dr. Harry J. Friedman said.

Loussac's widow, a stepson, Jerry Harper, Los Angeles, and a sister, Dr. Sonia Garfinkel, Haifa, Israel, survive. The funeral will be here (Bonney-Watson Co.) at 3 p.m. Thursday, followed by cremation and interment at Anchorage at a later date.

Loussac and his wife came here to live in 1953 after retirement from public and private life in Alaska spanning more than 50 years. He was a druggist many years' and at retirement was elected mayor of Anchorage, serving two terms.

He had suffered mild strokes and from hypertension the past 2 or 3 years, Dr. Friedman said. He was in Anchorage a year ago at the time of the earthquake.

"He was very calm, walking around with his hands in his pockets and helping keep up morale," the physician said. "But when he came back to Seattle, a severe reaction followed."

He suffered a second and more serious stroke, but recovered. His recent surgery was two operations for bleeding ulcers.

On his 80th birthday 2 years ago, the Anchorage Times published a special supplement honoring him for his contributions to Alaska. He was born in Russia.

Some years ago he created the Loussac Foundation, which built the Loussac Library at Anchorage and engaged in other public projects.

As a young man, he was graduated from the New York College of Pharmacy, now a part of Columbia University. He practiced pharmacy in New York City and here before going to Nome, Alaska, in 1907. In later life he owned and operated a drugstore in Juneau, in addition to Anchorage.

He was a trustee of the Alaska Methodist University, Anchorage, and vice president of the Seattle Zionist district. He was a Mason and a member of the Alaska Brotherhood.

Born July 13, 1882, in Pokrov, Russia. Loussac was a two-term mayor of Anchorage. One of his greatest contributions to Anchorage was the Loussac Foundation.

Loussac graduated from a Russian college in 1899 and won admittance to the Imperial Polytechnical Institute, but attended meetings of students and others aiming to change the Russian Government. Among the writings he read were those of Karl Marx, Friedrich Engels and various Socialists and anarchists.

Threatened with banishment to Siberia, Loussac fled to Germany. He asked an uncle in the United States for passage money and came to America. After landing in New York he took a job in a drugstore and the pharmacy field became the mainstay of his career.

Tales of the Klondike eventually brought Loussac to Alaska, but only after he had graduated from the New York College of Pharmacy. Reaching Alaska, he entered a gold mining venture in Nome, but it failed. He returned to Seattle, then took a job as manager of a Haines drugstore the following summer.

The lure of gold called him to Iditarod in 1909, where he became a partner in another drugstore. The store burned in a street fire in 1911.

He rebuilt the store, but the business failed and Loussac moved to San Francisco. The lure of the North was strong, and he returned to Alaska in 1913, opening a new drugstore at Juneau.

In 1916 Loussac moved to Anchorage and built a drugstore here. The business was successful and he sold his Juneau interests.

In 1921 Loussac joined in the opening of the Evan Jones coal mine, today a major producer in Alaska. With the erection of the southeast wing of the Anchorage Hotel on Fourth Avenue, Loussac rented the corner for a second drugstore and operated two stores until his retirement.

Profits from Loussac's operations were invested in property, including the Loussac Apartment Building on D Street and partnership in the Loussac-Sogn office building at Fifth Avenue and D Street, then the largest building in Anchorage.

Loussac retired after the hectic mushrooming growth of Anchorage was underway. He sold both stores in 1942 and sold his interest in Evan Jones Coal Co. the following year. But he soon was involved in various community projects.

Loussac became chairman of various worthwhile projects, president of the Rotary, chamber of commerce, and Pioneers of Alaska. He was active in the Elks, Masons, Shriners, and Knights Templar, and was a member of the old Territorial Board of Pharmacy, and vice chairman of the Alaska Housing Authority, as well as chairman of the war bond drives.

In 1947 he was elected mayor of Anchorage, holding the office for two terms.

Mr. and Mrs. Loussac moved to Seattle in 1953 and did much traveling before his death.

They were in Anchorage on a visit when he last became ill February 22, and was admitted to Presbyterian Hospital. He returned to Seattle February 27 and was immediately hospitalized.

The Loussac Foundation was established in October 1946, to further social, scientific,

and cultural activities in the Anchorage area, particularly for the youth.

Funds for the foundation are from Loussac's half of the proceeds from the Loussac-Sogn Building, located at Fifth Avenue and D Street.

Principal beneficiary of the foundation is the Z. J. Loussac Public Library for which the city voted a bond issue of $350,000. The foundation assumed repayment of the bond issue. With interest, the total library cost amounts to $575,000 which the foundation is repaying over a 30-year period.

Other beneficiaries of the foundation include the University of Alaska, Alaska Methodist University, and Sheldon Jackson College and High School. A total of $10,000 was donated toward erection of the Anchorage Community Theater Building on Minnesota Drive and several gifts were made to the Kings Lake Corp.

A 2-year research grant of $17,000 was given Mrs. John Koranda in 1961 for the study of Eskimo music as part of the program of the Alaska Festival of Music, with administration by the University of Alaska and the Anchorage Community College.

Among gifts to the University of Alaska was a $20,000 donation to the library, with half going to the purchase of rare books and the remainder to build up the basic library.

[From the Anchorage Daily News, Mar. 17, 1965]

HE WAS "MR. ANCHORAGE": "ZAC" LOUSSAC SUCCUMBS

Funeral services for former Anchorage Mayor Zachariah J. Loussac who died Monday, will be held today in Seattle followed by cremation and interment in Anchorage at a later date.

Loussac entered Providence Hospital in Seattle 2½ weeks ago for diagnosis and treatment. He failed to recover from complications that developed after surgery.

Loussac's widow, a stepson, Jerry Harper, Los Angeles, and a sister, Dr. Sonia Garfinkel, Haifa, Israel, survive.

Loussac had suffered mild strokes and from hypertension the past 2 or 3 years, according to Dr. Harry J. Friedman. He was in Anchorage a year ago at the time of the earthquake.

"He was very calm, walking around with his hands in his pockets and helping keep up morale," the physician said. "But when he came back to Seattle, a severe reaction followed."

He suffered a second and more serious stroke, but recovered. His recent surgery was two operations for bleeding ulcers.

Loussac, the first man in Alaska to give his wealth for the benefit of his community, once rode from New York to Montana as a tramp in freight cars.

He was broke when he reached America as a refugee from Russia and he was broke many times thereafter. Twice he left Alaska broke, determined that this was no place for him.

Loussac's life history reads like an adventure tale. He was born 27 miles from Moscow, Russia, on July 13, 1882, the son of a manufacturer of mouldings. An engineering course at the Imperial Polytechnical Institute at Moscow was chosen for him by his parents, "probably because my mother liked the dark green uniforms with gold buttons and braid that the students wore," he said.

But his education there was a short one for in his first year, the future Alaskan was expelled from school. He was accused of participating in a revolutionary movement. Loussac explained that this charge was based on the fact that he had been studying some of the more liberal literature of the time.

He went to southern Russian to visit his grandmother and crossed the border into Germany, while government officials searched for him. This was the beginning of a trek that led to the United States.

Arriving in New York City at the age of 18, without money and unable to speak English, he got a job running errands for a corner drugstore in a Russian neighborhood. A man returning from the Klondike visited in the neighborhood and the drug clerk heard glowing tales of the discovery of gold at Dawson. The man emptied large nuggets from his pockets to support his claims. The stampede was on in full force and the man's statements were supported further by bizzare newspaper accounts of the streams flowing on golden beds and the mountains sparkling with nuggets.

In 1901 the drug clerk quit his job to go to Alaska and get rich. He sneaked rides in freight cars to get to the West. Often he cajoled brakemen and conductors, and enjoyed the luxury of caboose accommodations as he wended his way through the farm country of the Middle West.

At Great Falls, Mont., he worked in a drug store for 9 months, concluded that he ought to get a pharmacist's degree if he was ever to advance in the drugstore business and headed East to earn a degree in pharmacy.

In 1907, Loussac went West again; this time with a few dollars in his pocket and a pharmacist's sheepskin.

"Zac," as he became known throughout the Territory, could never resist the urge for new adventure. A life of quiet security had no attraction for him. During the next 10 years he found himself in and out of Alaska three different times, each time going north to get rich with some new discovery of gold only to return to Seattle broke and discouraged.

A summer prospecting for gold on the beaches of Nome convinced the young pharmacist that that was not the life for him. Therefore when fall arrived and he was offered a trading post in Unalakleet, "Zac" made the deal without seeing the property. He caught the next boat for Unalakleet and found the flourishing business establishment consisting of a 10 by 12-foot shack, in which there were 15 cases of Carnation milk; 1 red fox skin without a tail; a celluloid cribbage board; 2 silk tents; and a gross of whiskey glasses, but no whiskey. Recognizing a bad bargain, he shipped out as a steward on the next steamer for Seattle, waiting table and washing dishes to pay for his passage.

Loussac lived on 10 cents a day that winter in Seattle. Part of the time he slept on a mattress in the back of a hardware store.

Zac's capacity for making friends wherever he went kept alive his zest for living. It seemed too that he was destined to continue meeting Alaskan enthusiasts who lured him North time and again. Among his many experiences of going into business and going broke in various Alaskan towns, perhaps one of the most colorful was his stay in Iditarod in 1910. Even the trip down the river from Dykeman had its share of human drama. He was one of 30 passengers who had to get out and walk in the water to pull the boat over shallow spots. It took them 3 days to go 90 miles. They were almost chewed alive by mosquitoes. One man got lost and went insane wandering through muskeg and swamp.

When "Zac" finally got to Iditarod, he and Jimmie Fay, with whom he had previously been in business in Haines, pitched a tent and set up their drugstore. They took in between $20 and $40 a day. Prices were inflated because of the scarcity of goods and the difficulty in transporting them that far during the brief shipping season. For example, a pound of epsom salts would sell for $1; a whisk broom was $1; in fact, most any item which would sell for a dime in Seattle, would bring a dollar in Iditarod. Two ounces of opium or spirits of camphor to cure cholic in a horse would sell for $20; it was $3.50 in Seattle.

When winter came they stayed comfortable in their tent by covering it with boards. Fay sold his interest to "Zac" and returned to Haines. The following April, fire leveled the entire business district of Iditarod. "Zac" lost everything. He had no insurance. The local banker had so much confidence in "Zac's" business ability, however, that he built him a two-story building and loaned him $12,000 to buy new stock. Thus "Zac" was back in business better and deeper than ever before in his life. All would have been well had not the miners decided to give up their claims and leave for a new gold strike in Ruby. This meant bankruptcy for the remaining businesses. The following year, the Yukon Gold Co., a New York outfit, got millions out of the ground around Iditarod.

It took Loussac 10 years to pay off his indebtedness as interest rates were so high in those days that it actually meant paying almost twice the amount of the debt. After coming to Anchorage in 1916 and going into the drug business here, he again went into debt to the local banker, at one time as much as $40,000. In fact, it was not until 1939 that he was completely out of debt for the first time since 1900.

Anchorage was but a tent town on the banks of Chip Creek when Loussac setup his drug business. Besides owning two drug stores, he was one of the organizers of the Evan Jones Coal Co., one of Alaska's major coal sources. He was always active in civic affairs. At one time he was deputy grand arctic chief of the Arctic Brotherhood, an exclusive men's club made up of pioneers. It is no longer in existence.

Early in his drug store career in Anchorage, Loussac adopted the slogan "We've got what you want when you want it." He gained a reputation for being a wide-awake, progressive merchant. He used to run a daily newspaper ad entitled "Loussac's Daily Gossip" with a subhead "Cents and Sense." For several weeks at the beginning of a new year, he would title his column "Full Speed Ahead," and proceed to tell what a wonderful past year he had had and how he anticipated the new year would be even better.

He was continually offering special services to his customers. For instance, in the early days when busines was not as brisk as it became during World War II, he would provide a writing desk, paper, and envelopes without charge for anyone wanting to drop into one of his drugstores to write a letter; a Toledo weighing scale on which they could learn their weight free of charge; a free delivery service; a mail service which guaranteed to send out an order the same day it was received. Customers were invited to come in and play the latest phonograph records. He shipped in fresh cut flowers regularly, which was a luxury in the preaviation days.

Loussac served three terms as mayor of Anchorage. He is a past president of the Anchorage Chamber of Commerce, the Rotary Club, Igloo No. 15, Pioneers of Alaska, and a member of the Masonic Lodge. He has been a member of two territorial boards—pharmacy and housing authority.

Marriage was an experience which Loussac postponed until 1949.

Being a connoisseur of the fine arts, Loussac began collecting Sydney Laurence oil paintings while the artist was a resident of Anchorage.

In 1946 Loussac founded the Loussac Foundation to promote recreational, cultural, scientific, or educational activities in the Anchorage area. He hoped it would help keep people in Alaska.

In setting up his foundation, Loussac said: "The people of Anchorage have been good to me. Everything that I earned came from here and I want it used here."

ARTICLES ON VIETNAM

Mr. CHURCH. Mr. President, several worthwhile articles pertaining to Viet-

nam have recently come to my attention: two from the March 10 issue of the New York Times; a column by Walter Lippmann, which appeared in the Washington Post; an article by Mary McGrory, from the Washington Evening Star; and a column, by Drew Pearson, entitled "Vietnam Fallacies."

I was especially interested in the dispatch from Saigon, which appeared in the New York Times, which began:

Evidence collected here indicates that both North and South Vietnamese Communists have become aware that talk of proposed peace negotiations could undermine the spirit of the Vietcong.

Those in this country who deplore talk of a negotiated settlement should take such reports from Vietnam into account.

I ask unanimous consent that these articles be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 10, 1965]

VIETCONG, FEARING FOR MORALE, TRIES TO COUNTER TALK OF PARLEYS

SAIGON, SOUTH VIETNAM, March 9.—Evidence collected here indicates that both North and South Vietnamese Communists have become aware that talk of proposed peace negotiations could undermine the spirit of the Vietcong.

In a broadcast yesterday on the arrival of the U.S. Marines at Danang, the National Liberation Front, the political base of the South Vietnamese Communist guerrillas, warned:

"The U.S imperialists cannot expect to use military pressure to defeat us at a political conference."

The front added that it would defeat the Americans, "even if one or two hundred thousand U.S. aggressive troops dare land on our territory." The front added that the struggle could take "10 or 20 years."

Analysts in the U.S. mission in Saigon said the opposition to negotiations had been a recurring theme since the last air strikes against North Vietnam, a week ago.

On one level the Communists were answering Western press commentators who have conjectured that the air attacks were aimed at making Hanoi more receptive to meaningful talks.

But both the front and the Hanoi radio broadcasts are often used to inform political cadres in isolated sectors of South Vietnam of Communist policy direction.

American interpreters of North Vietnamese propaganda accept as genuine the Communist's stated opposition to a negotiated settlement.

They cite the adamant statements of the last week as further proof of the view expressed in Washington that Hanoi does not seek the kind of talks advocated by France, the Soviet Union, and other nations.

The analysts here have even noted that in the last several days Communist broadcasts have omitted the phrase "Thuong Thuyet," the Vietnamese words for negotiation. Instead they talk about "settlement" or "final solution."

The morale factors among its troops has also disturbed the South Vietnamese Government as reports of impending peace talks have circulated.

In a conference of South Vietnamese diplomats held today the tone was militant. The official Vietnamese press summarized the view of the meeting as pledging "no compromise with aggression * * * no international solution that is not endorsed by the Vietnamese Government and people."

[From the New York Times, Mar. 10, 1965]

FOREIGN AFFAIRS: VIETNAM—WHY PARIS DISAGREES

(By C. L. Sulzberger)

PARIS.—Before departing for Vietnam it is worth examining France's position on the crisis, a position founded on cold analysis even though we don't accept its tenets or conclusions. The essence of this French analysis is that China will never admit an American military presence on the Asian mainland.

THE FRENCH VIEW

Paris' viewpoint may be summarized accordingly: Although the Chinese have not yet reacted dramatically to U.S. bombardments of North Vietnam and prefer to avoid direct military confrontation with the United States, there may well be riposte at unexpected points and sooner than Washington anticipates. Thus, for example, there could be a spread of the "revolutionary warfare" fungus to Thailand and the Philippines, which for years we have deemed secure.

The French, who have long if unhappy experience in the Far East and who still maintain extensive services there, including an embassy in Peiping and a "trade mission" in Hanoi, are convinced there are in fact two Chinese policies. These sometimes conflict as applied on a short-term basis.

Ideologically, China pushes outward in all directions, seeking to establish preeminence in the world Communist movement through propaganda and subversion but nationally, Chinese tactics are more prudent and wish to avoid any confrontation that could lead to major war. Thus, at this juncture, while Peiping hopes ultimately to extrude Western influence from Asia (including both America's and Russia's), it privately cautions extremists among its own friends.

COLONIAL EXPERIENCE

The French attitude is undoubtedly marked by their own sad terminal experience with Asian colonialism. Nevertheless, they think the United States deceives itself and endangers world peace by insisting on protecting South Vietnam, whose population wants only an end to fighting; that Russia could be genuinely helpful in neutralizing South Vietnam and ultimately in helping North Vietnam pry itself loose from China.

This objective was perhaps frustrated by Washington's decision to bomb North Vietnam while Soviet Premier Kosygin was in Hanoi, trying to enhance Russia's influence there at China's expense. Paris insists Kosygin was forced by U.S. actions to adopt a sterner public position than he had intended.

FACTORS IN FRENCH RECKONING

If the present crisis can cool off a bit, France still conjectures there are factors that might permit a negotiated settlement on acceptable terms. It sees China worrying about increased Soviet influence in Indonesia—again at Peiping's expense. China cannot give Sukarno the kind of weapons Russia provides as he accelerates his campaign against Britain.

According to this French theory both Peiping and Hanoi would be willing to negotiate on Vietnam and neither would insist on departure of American troops from South Vietnam until after a peace conference had arranged its neutralization. The only Communist precondition, it is argued, is that U.S. bombings of the North must cease before negotiations start.

Paris reckons North Vietnam would accept a genuinely neutral South Vietnam and would like to work out economic and customs arrangements with such a state, developing unofficial contacts similar to those between West and East Germany and only contemplating unification as an eventual dream. It also feels China would much rather persist with long-range subversion and penetration programs in southeast Asia than chance outright war.

PATTERN OF LOGIC

How accurate an estimate this is cannot be judged. Washington discounts many of these assumptions and feels that if French counsel were now pursued it could lead to disruption, collapse, and ultimate communization of southeast Asia all the way to Singapore. Nevertheless, whomever history proves right, there is a pattern of logic in the French analysis. The transatlantic disagreement on this issue is deep seated and genuine. And Paris is convinced that, unlike Cuba, Vietnam is not a vital U.S. concern.

[From the Washington (D.C.) Post]

THE NEOISOLATIONISTS

(By Walter Lippmann)

A respected colleague of mine, Mr. Richard Wilson who writes for the Washington Evening Star, suggested the other day that many of us are returning to the isolationist views of Senator Taft and of President Hoover. This, if I may say so, is like saying that a man who has cut back from being an advanced alcoholic to being a moderate drinker is a teetotaler.

Yet is is true that there is an affinity between the old isolationists and what are now being called the "neoisolationists." Similarly, there is an affinity between being a teetoaler and a moderate drinker; both of them regard habitual drunkenness as a dangerous evil. The old isolationists believed that the vital interests of the United States, the interests for which the country should go to war, lie within the boundary of the two oceans. They regarded a military commitment across either ocean as unnecessary and unwise.

Their opponents in the 1930's, the interventionists of the Second World War, believed that the Atlantic Ocean was not a strategic boundary but was in fact the inner sea of the Atlantic Community. The Atlantic Community—which was regarded as including Australia, New Zealand and the Philippines—was approximately coterminous with Western civilization.

The issue between the old isolationists and the old interventionists was strongly debated. However, the two took it for granted, regarded it as a matter of course, that American military commitments were to serve only the vital strategic interest of the United States.

After the Second World War there broke out the cold war with Soviet communism. A new strategic doctrine, known as the Truman doctrine, was put forward. It said, or was understood to say, that the spread of communism anywhere on the globe, and not only into Western civilization, should be resisted, if necessary, by American arms.

Now there is a case to be made for the globalists. It is true that the loss of any territory on earth to a hostile Communist power is against our interests and in some measure diminishes our security. We would certainly be safer if all the nations of the earth agreed with us.

The opposing conservative view today is that while we have important interests on the Asian and African Continents, they are not vital interests which would justify a unilateral American commitment of our military forces. In these areas, which are beyond the limits of our strategic interests, the sound policy is to rely on collective security. Thus, we should not involve ourselves in a war in Asia where Americans, and as a matter of fact Americans only, fight Asians.

The neoisolationists, who regard the whole Western society as a vital American strategic interest, are a long way from being

the isolationists of the 1930's. But they have common differences with the globalists. They view certain regions on the Asian and African mainlands as places where we have interests but not vital interests. There the neoisolationists believe in working with and through the United Nations and other collective organizations.

Lest this be misunderstood, let me say that this argument is entirely and solely about military intervention. It is not about economic assistance, technical assistance, the Peace Corps, cultural exchanges. It is about where and when, and where and where not, American fighting men should be sent to intervene unilaterally.

[From the Washington Evening Star, Mar. 5, 1965]

VOICE CHIEFS CHAFE AT CURBS

(By Mary McGrory)

Henry Loomis, departing director of the Voice of America, made a farewell speech that had a special meaning for the people he left behind.

Everyone present in the departmental auditorium knew what he meant when he said in the course of his lengthy remarks: "The Voice of America is not the voice of the administration."

This point has been at debate since the Voice was first heard some 20 years ago, and the controversy has heated up since the intensification of the war in South Vietnam.

Oldtimers in the Voice say they are going through a period almost as bad as the McCarthy era and—in a way—worse, as in those days, the Voice pretended to be little but a propaganda arm.

In 1960, under President Eisenhower and after much study, the agency finally received a charter which gave it the green light to be candid and objective in the manner of the British Broadcasting Corp.

But since the raids on Pleiku, say Voice officials, they have been chafing under the heaviest censorship in their history. No dispute over handling of news has arisen, but every commentary must be cleared with the policy department of the Voice's parent agency, the U.S. Information Agency, before broadcast.

The USIA has the benefit of advice from the State Department and the White House, and Loomis said in his speech that the Voice's problem is not just to communicate with different cultures, "but with the rest of the Government."

Voice officials have given up trying to reason with State Department policymakers who think Voice commentary should be as authoritative as a statement by the President or the Secretary of State.

Others "downtown" think, according to Loomis and his associates, that nobody in foreign countries will know that something has happened if it is not mentioned on the Voice. In vain, they have pointed out that in many nations the listener has his choice of national radios.

Last week brought two clashes within the agency over how the difference of opinion on our South Vietnam policy should be reflected.

For a daily roundup of worldwide editorial opinion, the Voice included a critical, front page editorial in the Paris newspaper Le Monde. It was deleted downtown.

Again, a critical portion of a New York Times editorial, calling for a Presidential statement on Vietnam policy and advocating negotiation, was edited out of a Voice broadcast.

"We are getting so afraid to be honest, we can't even reflect any diversity or discussion," said one Voice veteran.

On another recent occasion, there was disagreement over how much of Senator THOMAS DODD's proadministration speech on Vietnam should be carried, as against how much of Senator FRANK CHURCH's antiadministration speech.

A background broadcast had been held up for several days until CHURCH's critical speech was answered, and then the Voice was instructed to call it not a debate but a discussion.

"We're getting like Radio Moscow" said one Voice official. "That is precisely what they do. They never quote unfavorable editorials."

The Voice has not been permitted to send out any background commentary on negotiations for fear it will be misinterpreted as a sign that they are coming. Loomis and others think the Voice has built up a reputation for objectivity and credibility that guards against such misunderstandings.

"Some people think the Voice in a national emergency should be a tactical weapon," says Loomis, "but we think we should be a strategic weapon, building up a confidence over the long haul."

Everyone agrees that the Voice was first "bent" during the Cuban missiles crisis of October 1962, when the administration quite frankly managed the news. But that was quickly over. People at the Voice are now disturbed about the heavyhanded propaganda line that has been in effect the last month.

So Loomis' speech was much appreciated. Only, as one of his listeners said, "I wish it had been made by somebody other than a retiring director."

[From the Washington Post]

VIETNAM FALLACIES: JOHNSON INHERITED SITUATION IN WHICH U.S. INSTEAD OF FRANCE IS IN TROUBLE

(By Drew Pearson)

There are three important fallacies to be considered regarding the Vietnam crisis which President Johnson inherited.

1. We contend that we are in South Vietnam at the request of the popular government, to protect freedom. This is pure bunk. The government has changed so often that no one can keep track of whether Big Minh, Little Minh, or Minnie Mouse is in power. There have been 14 changes of government since January 30, 1964, which is an average of one government per month. The government is of the military, by the military, and for the military, and Vietnamese civilians have no illusions about it.

2. We believe that the best way to stop Vietnamese fighting is by retaliatory raids against the North. There are many indications that this also is pure bunk. First, the North Vietnamese are led by Ho Chi Minh, a tough guerrilla fighter who battled against the French for 8 years and defeated the cream of the French Army, totaling 380,000 men, backed by $4 billion of American money. Ho now has an army of 270,000 men and if he wants to move south our bombing raids would never be able to halt him. History shows airplanes cannot find troops on foot in the jungle.

However, it is highly doubtful that Ho could call off the Vietcong war against us in South Vietnam even if he wanted to. You have to remember that the Vietcong were part of the force that also fought for 8 years, with implacable will, to get the French out of Indochina, and we have merely substituted ourselves for the French. The Vietcong are equally determined today to get all white men out.

After the French evacuated Indochina under the terms of the 1954 Geneva agreement, there were approximately 90,000 Viet-Minh pro-Communist guerrilla fighters left. They became the Vietcong. Already tough revolutionaries, they are now doubly effective because they have seized new, modern American arms.

American intelligence shows that very few of the Vietcong infiltrated down from the north until last year. It is estimated that in 1964 between 4,000 and 5,000 men moved in. Therefore, Ho Chi Minh would have little control over them, even if he wanted to yell uncle as a result of the United States retaliatory raids.

Our intelligence also shows that the Vietcong is composed of about 35,000 hardcore fighters, plus 65,000 militiamen—a total of about 100,000. This is enough, given support from the countryside, to engage in hit-and-run operations indefinitely.

3. The United States has told our allies privately that we are ready to negotiate a settlement in Indochina but that we want to negotiate from strength. Unfortunately, the longer we remain in South Vietnam the more our strength deteriorates.

When we had 1,000 American advisers in Vietnam, as in the early days of the Eisenhower administration, we were probably stronger than today. President Kennedy boosted the number of Americans to 20,000 and President Johnson has raised the total to 23,500, but we are in a weaker position to negotiate because today the Vietcong occupy about two-thirds of the country.

The real problem of strength is the local South Vietnamese Government, and the more the generals concentrate on their own personal ambition rather than the welfare of the country, the weaker becomes our strength to negotiate.

WHAT NEXT?

The above three points are the heart and soul of the Vietnamese problem. What, therefore, are the alternatives facing the United States?

They are: To place the matter before the United Nations Security Council, which has never been given the Indochina problem in the past; or to continue bombing farther and farther north.

In the latter event, the Communist world is in an extremely strong position to retaliate in four widely separated areas:

1. Ho Chi Minh can move with his well-trained army from the north.

2. The Red Chinese could move in on the islands of Quemoy and Matsu, which lie only 3 and 12 miles respectively from their coast, and take them fairly easily, since most of the U.S. 7th Fleet is tied up in the Gulf of Tonkin.

3. The Chinese could accelerate hostilities in Korea where South Korea is still protected only by a truce.

4. If the Russians wanted to enter the picture they could exert a squeeze on Berlin with another blockade, thus requiring the United States to divide its attention between Asia and Europe.

These are some of the problems the State Department is beginning to pose for the White House now that Secretary Rusk has recovered from his illness.

The alternative of putting the crisis before the United Nations would put the Russians in an extremely awkward position as to whether they ought to use the veto. The United Nations would probably call for a cease fire and appoint a commission to study the situation.

The best long-range hope for the United States in Indochina is Titoism. Ho Chi Minh could be another Tito if we don't drive him into the hands of the Chinese as we have been doing. It is important to remember that the Thais, Vietnamese, and Burmese have hated and feared the Chinese for centuries. If given a chance for independence they don't want to come under the domination of the Chinese dragon.

These are not happy alternatives, but this is the situation which the Johnson administration has inherited from 18 years of erosion.

THE BUREAU OF LAND MANAGEMENT AND SOIL CONSERVATION

Mr. McGOVERN. Mr. President, recently I addressed the National Association of Soil and Water Conservation Districts. A fellow speaker on the association's program was Charles H. Stoddard, Director of the Bureau of Land Management, who has been building up increased cooperation between the soil conservation districts and his agency.

I ask unanimous consent that Mr. Stoddard's very illuminating address be printed in the RECORD, for it contains information on Bureau of Land Management activities and policies of wide interest.

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

JOINT ACTION TOWARD COMMON GOALS

(Remarks by Charles H. Stoddard, Director, Bureau of Land Management, U.S. Department of the Interior, before the National Association of Soil Conservation Districts, Portland, Oreg., Feb. 10, 1965)

Just about a year ago, at your Kansas City convention, I was honored with your Distinguished Service Award. I accepted that plaque with mixed feelings of pride and humility, and hung it prominently over my desk in Washington. That was a rash act. For a year now that symbol of achievement has been on display; but I've been able to see it, too, and it's been a daily reminder of what hasn't been achieved, of what a tremendous job lies ahead.

With that sword of Damocles over my conscience, I put in a busy year. Today, I'd like to review with you the progress we've made over the past year; more importantly, perhaps, let's try to see where we're heading.

PARTNERS IN PROGRESS

I use the word "we" advisedly, meaning by it not the "we" of the Bureau of Land Management, nor even the "we" of BLM–SCD relationships. I mean "we conservationists and land administrators, we—all of us—responsible for lands and resources. Whether we work for the Government or for ourselves, whether our organizations are public or private, our basic goals must be the same. They will be, if we approach our work from the standpoint of what's good for America.

My theme today is "cooperation." In the context of public land management, that means organizations working as allies, to fulfill the promise of these lands. And even those of you not directly involved in this work are affected by it because, like all our people, you are shareholders in this land.

Like "conservation" itself, "cooperation" can be used as a pious means to uncooperative ends. Even among men of good will, great injustices can be done in the name of good causes; and in land management, that cause is too often the defense of private land against public interest, or of public land against private interest.

Let me say now that BLM does not accept this state of affairs. Our work is predicated on the belief that there is no real difference between public and private lands—only the incidental one of who holds the title.

In the long run, titles are irrelevant. When a water table falls, it doesn't matter who owns the surface—the important thing is to get it restored. Erosion and fire attack land without consulting ownership records; and all of us lose when one of us loses soil. The real question is, "Who can do the best job of meeting the Nation's resource and recreational needs?" And there is no blanket answer, ideals and prejudices notwithstanding.

Who can do the job? The job begins with this question, and this is where public and private interests begin to merge.

In the West, where BLM administers 175 million acres of public domain, the question is crucial. On the vast stretches of public land, far from urban centers which might need land to accommodate growth, the Federal Government must shoulder the responsibilities of protection, of resource production, of managing the land in accordance with modern-day needs. The Government must operate effectively where other sectors of the economy cannot. Since these large blocks lie adjacent to private lands, they must be managed as an integral part of the local economy.

But we also have numerous public tracts intermingled with private, local government and other Federal lands. These are the critical areas. Here the programs of all landholders must be coordinated. To ignore this need—to allow one segment of the land to deteriorate while replenishing others—is to hamstring the whole works. In our jigsaw land patterns, one ill-fitting piece can ruin the whole picture.

This is our concept of cooperation. Let me describe now how BLM is putting the concept into action.

NEW LAWS FOR A NEW ERA

For a starting point, let's go back to last September, when the President signed into law three bills with far-reaching effects on public land administration: Public Law 88–606, which establishes a Public Land Law Review Commission; Public Law 88–607, the Classification and Multiple Use Act; and Public Law 88–608, the Public Sale Act.

Along with other new conservation laws, these reflect a new congressional awareness of the vital role conservation must play in our society. They are part of the unmistakable mandate for conservation Congress gave us last year. And although overshadowed by such dramatic legislation as the land and water fund and the wilderness bill, their effects may be even more significant.

In passing them, Congress may have had these words of the President in mind: "For a century we labored to settle and to subdue a continent. For half a century we called upon unbounded invention and untiring industry to create an order of plenty. The challenge of the next half century is whether we have the wisdom to use that wealth to enrich and elevate our national life, and to advance the quality of our American civilization."

Let's review these bills:

The Public Land Law Review Commission Act begins by setting forth the policy of Congress: That the public lands of the United States shall be "retained and managed or disposed of, all in a manner to provide the maximum benefit for the general public." This rather bland statement has great significance. For the first time, Congress has indicated that some of the public lands administered by BLM may stay in public ownership. The only indication of intent up to this point has been the Taylor Grazing Act, which authorized management "pending their final disposition." By leaving tenure open, that phrase also left the possibility of effective long-term management in doubt. It remained so until this policy statement opened the door to retention.

Over the next 4 years, the Commission will review the laws governing public land administration, plus the policies and practices of administrators. It will survey present and future demands for this land, gather necessary data, and recommend changes necessary to carry out the policies set forth in the act.

While the Commission deals with new policy, the Classification and Multiple Use Act is a vehicle for experimenting with new tools. It requires the Secretary to "develop criteria by which he shall determine which of the public lands shall be disposed of and which shall be retained and managed." It then requires the Secretary to use these standards in classifying the land for retention or disposal, and to manage the retained areas under multiple use and sustained yield principles.

The act states that lands shall be disposed of when they are required for the orderly growth and development of a community. The closely related public sale law permits sale of lands for this purpose, on condition that the community has appropriate zoning regulations in effect. On this score, by the way, House Interior Committee Chairman WAYNE ASPINALL made the intent of Congress clear when he said: "The burden is now on the local communities to act affirmatively in establishing comprehensive zoning regulations where they do not already exist. The development of many western communities depends upon making lands available for non-Federal use. Whether they will be offered for sale under this legislation is now squarely up to the communities themselves. It is not sufficient that a token zoning regulation be enacted; it is necessary that it be forceful and enforceable. Failure of local government agencies to act responsibly and constructively can only result in creating the impression that the Federal Government must retain control over public lands after they have passed from Federal ownership."

Let me comment here that your districts can play an important part in community growth under this act. As local communities prepare to acquire land, you can encourage them to zone not only to insure "orderly development," as the law requires, but to think of conservation and wise use as the paramount values.

In 10 of our Western States, the country is authorized to plan and zone land, to regulate land use, to protect the land from damage by conflicting uses. Most States also authorize soil conservation districts to apply the necessary land treatment measures, and to encourage conservation. All the requirements for teamwork are at hand; now it's up to us to carry the ball.

MEETING THE CHALLENGE

Now the onus is on us—all of us concerned with public domain. The work we accomplish now will very likely influence the Commission's report and resulting legislation. We—our generation—is challenged to fulfill the promise of our resource heritage.

BLM's first step in this direction was to develop classification standards, the yardsticks by which we can measure the relative values of public or private ownership for any given tract. I said this was a first step—but before taking it we had to do some preliminary groundwork.

On the ground, this consisted of inventorying the public lands, finding out what we had. We found that the land falls naturally into four general categories, three for management and one for disposal.

The management categories are:

1. Areas with the best-blocked land patterns, which can be encircled by a boundary and given a name. The land pattern in these units runs about 70- to 80-percent public land, except for several checkerboard areas. We expect these areas to remain under BLM multiple-use management.

2. Fragmented land pattern areas which are highly valuable for recreation, among other uses, and require Federal management.

3. Specialized areas, such as game ranges and key recreation areas.

The single transfer category includes scattered and intermingled lands which are not suited to continued Federal control, but could be better used if transferred to local ownership, under the public sale law, as need for community development.

Now, there was another phase of groundwork, and this had to take place in our organizational heart. It had to do with changing attitudes—laying aside the hidebound ideas that would obstruct change; rising from the rut of outmoded traditions. In many ways, this was the more challenging task; but certainly those who accept leadership in a changing world must be willing to change themselves. I think our actions will reflect our efforts to do just this.

For example, we're now laying our proposed classification standards before the people who will be most affected, and asking for their opinions. We're going to involve these people right from the beginning—not only to give fair consideration to all interests, but to draw on their knowledge of the land and its best uses. After the criteria become regulations, the public will again be consulted on how they affect specific tracts. Only then will classifications take place. We are, in other words, inviting our multiple publics to participate in our multiple-use decision-making process.

At the moment, the guidelines look like this:

Land would be transferred from Federal ownership if it's needed for orderly community growth (residential, commercial, or industrial), if it has high agricultural value, or is suited to such public uses as parks or public buildings.

Values ranging from mineral production to wilderness would be grounds for retention. So would such conditions as the need for public multiple-use management, unstable soils needing special protection, long-term investments required for resource development, esthetic qualities that should be preserved, and the need for land to support management programs on adjacent acres.

Gentlemen, in offering policy proposals for public consideration, we ride no white charger to the outer limits of democracy. We are, in fact, exercising the will of Congress—public hearings are required by the Classification and Multiple-Use Act. But the attitude that no agency can do its job independently of those it seeks to benefit, that management is more a matter of people than of land—this has taken on a new significance in our operations, and given us new impetus.

It is one way we are responding to the President's call, early last year, for "creative federalism," which he said will require "new concepts of cooperation." We want to weave this thread through all our programs, into a firmer fabric of cooperative work.

WORKING RELATIONSHIPS

This is the attitude we carry into joint programs with the SCD's. Let us get down to cases.

The most vital need in our working relations with your districts is to develop procedures for coordinating our programs. We have made a healthy start. Our ad hoc committee, which includes Gordon Zimmerman and Dave Unger, will complete the basic staff work on such procedures before spring. Their report will outline how soil conservation districts, BLM, the Soil Conservation Service, and local landowners can work together, as a unified team, to develop a land treatment and management plan, and then put the plan into effect. It will spell out specific responsibilities for each agency. It will clarify the channels of communication between all agencies involved in this important work.

The first action stage will be to test these procedures in several Great Plains States, where we hope to work with Great Plains program cooperators.

Agency responsibilities will, of course, depend on the land patterns. In regions where the public lands are very fragmented, SCS will have the heaviest technical responsibilities on both public and private lands. In the blocked-up areas of Federal lands, BLM will carry the major burden. On intermingled lands, such as railroad grant checkerboard areas, SCS and BLM will share the job, molding various techniques into a unified logical plan for all lands in the area.

Essentially, we will be exploring a new approach to managemnet. To prepare our people, we are proposing training sessions for SCS and BLM personnel, along with SCD supervisors, prior to the trial runs. After testing these procedures during the coming work season, it will be "back to the drawing board" for a thorough evaluation.

The goal: A common, simplified plan for homogeneous areas of public and private lands. Obviously, working on just a ranch or farm unit is not enough. But if we can resolve differences on this level, I think we will be opening new vistas of progress.

Let us bear in mind, though, that our eventual goals will not be reached by planning along artificial landownership lines. As rapidly as possible, we must move ahead to programs that follow the natural line of the terrain; let us remember that watershed problems are oblivious to all but natural boundaries.

If I seem optimistic about the future of our working relationships (and I am), it is because the recent past has put them on solid ground—they stand securely on the accomplishments under SCD agreements with the Department of the Interior.

In a recent ceremony, Secretary Udall announced the signing of the 200th such agreement. On that occasion he reaffirmed the importance the Department attaches to local participation and cooperation in attacking our mutual problems. These agreements have proved to be very effective vehicles toward that end. In addition to presenting a broad statement of agreement of purpose, they provide a basis for more specific supplemental agreements with agencies of the Department—those with responsibilities in, or adjacent to, local soil and water conservation districts.

All these agencies—the Park Service, Reclamation, Sport Fisheries and Wildlife, Indian Affairs—want to push ahead with you. I know we'll build high and well on this foundation.

UNITS TO FIT THE PROGRAM

Time now for a truism: The goals of an agency should determine its structure. This principle is guiding BLM into a structural shakeup. Recognizing the need for integrating our programs with those of other agencies, and in preparation for intensive long-term management, we're in the process of a major reorganization.

During the past year, we've been developing a unit planning system for the Bureau. Basically, what we're trying to do is "think small"; fit our programs to the compact land units in which they'll operate, and plan for the needs of these units. For the first time, we'll have an accurate system for evaluating program costs and benefits. Concentrating along unit lines will allow us to improve technical practices, and to better judge how intensive management should be on particular tracts.

And your conservation districts are involved in this effort. For instance, members of the Roswell SCD Board of Supervisors have already contributed much to the development of our unit plans.

To implement this trend, we have reorganized our Washington offices into an overall resources technical staff and a lands and minerals technical staff. At the same time, we've established a program division to coordinate our various activities into a comprehensive and balanced effort.

Now we're ready to streamline BLM in the field. This means the division of present districts into realistic management units. It means decentralizing decisionmaking. And with units corresponding to your districts so far as possible it means better coordination and communications between us. Details are still being worked out, but we do expect that major responsibilities for each unit will be assigned to one unit manager.

This will be the man directly in touch with your districts and the SCS work unit conservationist. He'll attend district meetings, and otherwise represent the Bureau in our joint operations. I know that his presence, his work, will provide the flesh-and-blood contact that turns bureaucratic vaguery into a working reality.

This, then, is a sketch of our plans for coordinating with SCD's. But, as I said earlier, cooperation must extend far beyond our two organizations. The picture is filled out by local and State governments, colored by their special land-use problems, and framed by the future of America's lands and resources. Certainly the SCD's are making their mark over the whole canvas.

In BLM relations with town and county governments, for example, your districts have a vital role. We expect to work very closely with local agencies to develop the most effective land-use programs on intermingled public and private lands; it is through the soil conservation district that knowledge of the land and its uses can be gathered. Your support of county planning agencies, your participation in these working relationships, can be the element of coordination that brings harmony out of discord.

If I may grossly oversimplify, let me sum up our situation this way: Classification is a land-use planning device; planning and zoning influence classification. Once a use is decided upon for a given tract, the job is to plan and apply the practices that will best advance that use. And since, to paraphrase the poet, no tract is an island entire in itself, no management agency can be, either.

A CONCEPT OF GROWTH

Well, having expounded on the subject of cooperation, it's only proper that I close with some conclusions about this togetherness. What is our goal? I say it's growth, in the broadest sense of the word:

Economic growth for rural people, towns, and counties; insuring that all lands are used to spread economic well-being * * * keeping economies apace with growing populations.

Spiritual growth for the people of these communities—the kind that results from reserving ample parks and open spaces, avoiding the spiritual anesthetic of urban clog.

The growth of our national estate, not through physical expansion, but by using wisely what we have; by realizing the resource potentials of the public domain; by better protecting our precious watersheds; by restoring the lands made fragile by erosion; by improving outdoor recreation opportunities and protecting our wildlife heritage.

And finally, a growth in professionalism among conservation agencies. Our progress in working together shows how much we have already grown in this field. This is the springboard toward our common goals.

UNIVERSITY TECHNICAL ASSISTANCE BILL IS SUPPORTED

Mr. McGOVERN. Mr. President, I am gratified by the response which I have received to S. 1212 to provide a new basis for our support of college and university participation in technical assistance work in the less developed countries abroad.

I have received a number of endorsements of the proposal from educators and especially from those who have served on committees and commissions to study the problem of AID-university relationships.

Today's mail brought me a splendid editorial from the Des Moines, Iowa, Register, concluding that Congress should give favorable consideration to the Hatch Act method of utilizing the colleges and universities in technical assistance work. I am particularly pleased with it, for Mr. Lauren Soth, editor of the editorial pages of the Des Moines Register and Tribune, is a well-known writer, a member of the National Planning Association, and an especially well-informed student of the agricultural and technical assistance fields. The editorial reflects a fine understanding of what S. 1212 is intended to accomplish.

I ask unanimous consent that the editorial, which was published on March 15 in the Des Moines Register, be printed in the RECORD.

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

[From the Des Moines Register, Mar. 15, 1965]

UNIVERSITIES IN FOREIGN AID

Senator GEORGE MCGOVERN, Democrat, of South Dakota, and a group of cosponsoring Senators have introduced a bill to strengthen the role of colleges and universities in the foreign aid program. Representative NEAL SMITH, Democrat, of Iowa, has introduced the same bill in the House. The proposed legislation is an adaptation of the method used in the Hatch Act of 1887 to support the agricultural experiment station system in the land-grant universities—by providing grants to the universities for oversea technical assistance work.

Under the Hatch Act, agriculture experiment stations are given annual grants by the Federal Government for agricultural research projects. Under the McGovern bill the same kind of grants would be made for cooperative development projects in foreign countries. The bill also would provide funds for the establishment and maintenance of foreign development centers at institutions which will undertake foreign technical assistance projects.

In this program, the Agency for International Development (AID) would be in the same position as the U.S. Department of Agriculture under the Hatch Act, as the administering agency for the Federal Government.

The proposed legislation authorizes appropriations of $40 million for the foreign development centers and $80 million for oversea projects. But this would not represent new or additional appropriations. Colleges and universities now have technical assistance contracts with aggregate Federal spending of $150 to $200 million.

This is essentially a new method of financing oversea development activities of the universities. It would provide an alternative to the present contract relationship between AID and the institutions. The universities would become more nearly partners of AID in the foreign aid program instead of sellers of services.

As in the case of the Hatch Act, the universities would have a regular, continuing responsibility in foreign technical assistance. They would be able to plan ahead, to assume greater responsibility, bring together a more competent staff for the job and fit this foreign work more smoothly into their other activities. One of the chief complaints about the present contract system is that universities cannot count on long-term support for foreign work.

The McGovern bill did not spring full blown from the mind of the South Dakota Senator. It is the product of a series of thoughful studies of the problem of university involvement in the foreign development program. University presidents, foundation officers, AID officials and educators have been examining the foreign relations of the universities for several years. MCGOVERN has distilled the central conclusions of these studies into his bill.

The United States is committed to participation in foreign development. As a recent statement published by Indiana University put it, "The world is in an inexorable state of change. It is in the national interest of the United States to participate in the transformation of the underdeveloped countries so that the results are better for us, rather than worse. The unacceptable alternative is to allow others to determine the future conditions of the world in which we will have to defend our national interests."

American universities obviously must have a major part in this national effort, and they do. A university inevitably takes as its area of knowledge the entire world. In cannot claim to be a university without such horizons. The universities contain resources of knowledge that are essential to the Nation and must be effectively employed in its behalf—just as the agricultural colleges have been employed in the development of American agriculture.

The McGovern bill method of involving the universities would be a considerable improvement, we believe, over the present system.

The land-grant universities already know how to function in cooperation with the Federal Government by this method. And it is in the field of agriculture where lie the greatest needs for U.S. aid to underdeveloped countries. Fortunately, it is also in agriculture that the United States is best equipped to supply educational and technical assistance.

We believe Congress should give favorable consideration to the Hatch Act method of utilizing the universities in foreign aid programs.

ALBEE, S. DAK.—AN EPITAPH

Mr. MCGOVERN. Mr. President. Mrs. Douglas Beyer, of Revillo, has called my atention to a letter in the Weekly Item, published in Revillo, S. Dak. This letter, written by Hazel O. Brekke, of Albee, S. Dak., is of significance to all of us who are concerned about the future of the family farm. It is an effective portrayal of a community which has felt the mounting economic predicament of the small farmer.

I request that this letter be printed at this point in the RECORD.

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

[From the Revillo (S. Dak.) Weekly Item, Feb. 12, 1965]

DEAR EDITOR—AN EPITAPH

Before 1920, Albee was a thriving, busy, bustling community center. It had a bank, three general stores, poolhall, barber, three grain elevators, dentist, doctor, hospital, drugstore, three churches, creamery, blacksmith shop, saloon, two hardware stores, two mail routes, lumberyard, livestock service, an outstanding baseball team, band, hall, depot and train service, printshop, dray, feed mill, livery barn, attractive well-built homes, jail, hotel, implement dealer, school, street lights and countless other outlets and accommodations to provide the needs and pleasures of the community. Once even a trained bear was brought in to provide a carnival atmosphere. The town's future looked promising.

But in 1920 the town ignored and antagonized the farmers of the surrounding community in a move to establish a consolidated school. It was not that the farmers were against school or better educational facilities but rather because they had been ignored and antagonized that they began a systematic and effective boycott of the town. The slide was greased and the town began to go down. Today Albee has 12 occupied households—occupied mostly by elderly retired people. When the occupants of a home die, the house is sold either for salvage or to be moved out. Seldom anyone buys a house in Albee with the intent of living here. Today you cannot get your car serviced nor buy a cup of coffee in Albee. We are only a not-so-wide spot in the road.

Today when the farmers of the Great Plains are struggling for the survival of the family farm it is only selfish interest for every town to try to understand the struggle. This present effort may well be the last-ditch stand for the family farm. When this current crop of farmers fail or become discouraged, the next step will be efficient cost-calculated corporation farming. Then the farmsteads will be razed because the cost-minded corporations won't pay taxes on excess property. The farm families will move off the land, either crowding into the towns or out of the State. Few towns on the plains have enough local industry to be self-sustaining. They need the farmer's patronage whether they are aware of it or not; that is, unless they plan to become another Albee, a place for retired people.

The young farmers we have on the Great Plains today are not content to live in squalor. Many have new homes; others are modernizing. They have automatic washers, dryers, bathrooms, home freezers, TV, good cars and modern efficient farming equipment. They dress well and they want some enjoyment as a respite for the long hours under the broiling sun and the filth and stench of feed lot and hog pens. They are well informed; they can figure costs, expenses and net profit, and they send their sons and daughters to college. They will not be, because they need not be, shoved around, antagonized or ignored. They are and want to be as independent as their sturdy forefathers who wrested a farm and home out on the wild prairies. They know what it costs to produce the abundance for the Nation's tables and ask only their fair share in return. They have too long been the beggars on the marketplaces of the world.

It takes less effort and time for today's farmer in his high-powered car and all-weather roads to boycott a town than it did in 1920. Those early-day farmers had no graveled roads in the south end of the county—few were even graded. They had to hitch up the old nags and jog over rough prairie trails but since their mission was purposeful, small they counted the time involved or the discomforts. Today's farmer gets into a heated car and zips over good roads in comfort. Distance means nothing to him.

Albee had all the makings for a great future but muffed it when they didn't give consideration to the farmers of the community. Today it faces a "grass-in-the-middle-of-Main-Street" demise.

Yes, Albee is a peaceful quiet place today. There is no activity here. Maybe we should erect a monument to mark the spot for future generations to gaze upon and ask, "What happened here?"

HAZEL O. BREKKE.

ALBEE, S. DAK.

CORN TASSEL ENDORSED AS THE NATIONAL FLORAL EMBLEM

Mr. DOUGLAS. Mr. President, I have received a number of letters as well as editorials from across the Nation, following my introduction of Senate Joint Resolution 42, which would proclaim the

corn tassel to be our national floral emblem.

I wish to bring the attention of the Senate to an editorial published in the Hickory Daily Record, of Hickory, N.C., and I ask that it be printed in the RECORD.

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

[From the Hickory (N.C.) Daily Record]

CORN TASSEL RESOLUTION

We are hopeful that a resolution to establish the corn tassel as the national floral emblem of the United States may result at long last in a victory for Miss Margo Cairns who has conducted such a valiant and convincing fight for this objective.

The resolution has been introduced by U.S. Senator PAUL H. DOUGLAS, of Illinois. According to Miss Cairns, she is encouraged by the receipt of many favorable letters and telegrams.

Miss Cairns is hopeful that North Carolinians who would like to see the resolution enacted, will urge Senators SAM ERVIN and EVERETT JORDAN to support the present movement to make the corn tassel our national floral emblem.

We Tar Heels take a pardonable pride in the fact that the first birth of British parentage occurred at Roanoke Island in 1585—35 years before the arrival of the Pilgrim Fathers in Massachusetts; and more than a decade prior to the Jamestown settlement. Thus, it is especially significant, we think, that among the "discoveries" of our so-called "Lost Colony" settlers, was maize (corn), as well as sugarcane and flax.

Few American can dispute the appropriateness of enshrining the corn tassel as our symbol—because the history of corn in this country also dates to Plymouth Rock, where the first settlers in that part of the continent were given corn by the Indians.

Thus, as Senator DOUGLAS says, corn is quite definitely engrained in the very first stages of our Nation's growth and development.

Unquestionably, corn has continued to be engrained through every day of our Nation's history. Its role has not been diminished by periods of affluence or depression; by times of peace or war. While the horse has been replaced by the automobile, the corn tassel has continued to symbolize American crops growing ripe for harvest.

The fact that other nations have adopted floral emblems, makes it appropriate that our great country might well do likewise. As noted, England, Iran, Bulgaria, Czechoslovakia, Honduras, and Luxembourg have designated the rose. Liberia lives unofficially under the banner of the white frangipani. Australia has the golden wattle, and Brazil, the blossom of Ipecac, while Canada has recently made the maple leaf the symbol of its Dominion.

Senators MCCARTHY, of Minnesota and LONG, of Missouri, have joined with Senator DOUGLAS in introducing the pending resolution, which seeks to make the corn tassel our national floral emblem. The record agrees that it, above all others, would best symbolize our Nation—its history, traditions, health, wealth, energy, progress, and well-being.

OCEANOGRAPHIC RESEARCH AND SURVEY OF COMMERCIAL FISHERY RESOURCES OF THE UNITED STATES

Mr. KENNEDY of Massachusetts. Mr. President, the New Bedford, Mass., Standard-Times has a long-established and well-merited reputation for championing expanded marine research and the fisheries industries of New England and other coastal areas of the United States.

As early as 1959, when the Committee on Oceanography of the National Academy of Science made its detailed report on the Nation's oceanographic needs, the Standard-Times published an outstanding series of articles, which attracted national attention, on the problems that confront scientists and the fisheries in the oceans.

In the years since then, the interest of the Standard-Times in this important area has intensified. A manifestation of that interest appears on the editorial page of the Standard-Times for February 10, under the heading "Two Sound Bills." The measures referred to are a bill to remove certain restrictions that handicap the operation of oceanographic research ships such as those of the Woods Hole Oceanographic Institution, at Woods Hole, Mass., and to authorize an overall survey of the commercial fishery resources of the United States.

Both of these measures were introduced by the Senator from Washington [Mr. MAGNUSON], chairman of the Senate Committee on Commerce, who has long been in the forefront of legislation to establish a strong and balanced oceanographic program.

The two measures now pending, which are referred to in the Standard-Times editorial, should receive favorable consideration in the 89th Congress, for reasons well stated in some detail in this excellent editorial.

I ask unanimous consent that the editorial entitled "Two Sound Bills" from the February 10, 1965, issue of the Standard-Times of New Bedford, Mass., be printed in the RECORD.

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

[From the New Bedford, Mass., Standard-Times, Feb. 10, 1965]

TWO SOUND BILLS

Senator MAGNUSON, Democrat, of Washington, long a knowledgeable champion of marine matters, is reintroducing in the Senate two measures involving oceanographic research and fishery resources, which deserve prompt passage. Both bills were passed by the Senate last year, but were not acted upon by the House.

The first would exempt oceanographic research vessels from the application of certain vessel inspection laws. Its purpose is to encourage and facilitate oceanographic research by removing impediments that have been handicapping research vessel operation by both oceanographic institutions and private industry.

Under existing law, scientific personnel carried on board a ship used in oceanographic research are classified either as passengers or members of the crew. If classified as passengers, the vessel would, depending upon the number of personnel carried, be classified as a passenger vessel, and would be subject to more rigid requirements under the marine safety inspection laws and the International Convention for Safety of Life at Sea. In order to avoid such stringent requirements, which are not appropriate to this category of vessel, research ship operators have been required to limit the number of scientific personnel carried, thus hampering full utilization of their vessels.

If, on the other hand, scientific personnel are classified as members of the crew, they then become subject to the laws applicable to seamen, which are not appropriate to scientists and technicians who perform duties considerably different from those usually performed by members of a ship's crew.

In addition to recognizing that persons on board oceanographic research vessels who are engaged in scientific research are neither passengers nor seamen, the bill also would give the Treasury Department authority to tailor the vessel inspection, manning and other safety laws to the particular characteristics of vessels used in marine research.

Last year, a similar measure received the support of the Departments of Commerce, Treasury, Navy and Defense, as well as the unanimous approval of the Senate Committee on Commerce. The objectives sought in this proposal are strongly supported by the Committee on Oceanography of the National Academy of Sciences, the Research Vessel Operators Council and by industries operating vessels employed exclusively in scientific research.

Enactment of this measure will increase efficiency without additional costs, and will enlarge and strengthen the national oceanographic program.

The second Magnuson measure relates to—the fishery resources * * * and would authorize and direct the Bureau of Commercial Fisheries to conduct a $200,000 survey of the marine and fresh-water commercial fishery resources of the United States, its territories and possessions.

This resolution is virtually identical to last year's, which the Senate Committee on Commerce unanimously favored, and which was approved by the Senate without dissent.

Such a survey is long overdue. No such examination has been conducted since 1944, and that one was limited. In these intervening years, several things have happened:

Since 1951, the American fisheries industry has declined alarmingly.

The total catch of food species has dropped more than 500 million pounds.

The number of American fishermen has shrunk by one-fourth.

The average price per pound received by fishermen also has declined.

So has the number of documented fishing vessels, while the number of new documentations has shrunk two-thirds.

Decline of fisheries, elsewhere than in New Bedford, has brought hardship to many areas and communities dependent almost entirely on harvesting the sea for basic income.

At the same time, it is known that the aggregate resources of the sea are not being depleted.

The demand for products of the sea has grown, not diminished.

The bounty of the sea is not challenged by substitute products.

While American fisheries are declining, the American people are utilizing more fish and shellfish than ever before.

Forty-five percent of the edible fish consumed in the United States is imported; so is 65 percent of the fishery products used by industry or for animal feed. We know that many of these imported products, both edible and inedible, were produced from fish harvested from waters contiguous to America.

Waters over our great continental shelves are among the most productive in the world, ocean areas that attract the fishing fleets of Japan, Russia, Poland, Spain, France, Norway, both West and East Germany, and Britain. World fisheries production has doubled in the past decade, and sea life in waters adjacent to America has contributed materially to this increase.

Every maritime nation in the world except the United States is sharing in the expansion of the fishing industry.

The U.S. industry itself, given some incentive, some encouragement, scientific and technological assistance, can revive, expand and prosper to the benefit of our national economy and health.

Senator Magnuson's bill will contribute substantially to revival of the industry, the first and oldest on this continent.

Presumably, the Senate again will pass both measures, and the House should do likewise, as expeditiously as possible.

BETTER MEDICAL SERVICES FOR RURAL AREAS

Mr. MONRONEY. Mr. President, a thoughtful proposal to meet the needs and desires of rural people for doctors was made last month to the Oklahoma Academy of General Practice by Dr. James L. Dennis, dean and director of the University of Oklahoma Medical Center.

Among its most interesting aspects is a pilot study program in "packaging" of medical services in a "have-not" rural area. He suggests a small group clinic-hospital built with private resources in an area that does not have a medical doctor, and operated as a part of the university's teaching program in family medicine. The three physicians—a general practitioner, a pediatrician and an internist—would have active teaching faculty appointments and would be assigned one or more residents in family medicine for training. The physicians, during the first year or two, would be guaranteed a minimum salary from a trust fund which would not be used unless their collection of standard fees for service did not equal the guarantee. They would have an option to lease or purchase the facility once it is self-supporting.

The plan has many other facets and I ask unanimous consent to insert in the RECORD Dr. Dennis' speech to the academy.

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

PROJECT RESPONSIBILITY

(By James L. Dennis, M.D., presented to the Oklahoma Academy of General Practice, Feb. 2, 1965)

Not only has American medicine achieved a level of capability that is the envy of the world, but our physicians are almost totally involved in meeting the demands of the people they serve. What a paradox that in this atmosphere of unparalleled success, medicine finds itself beset with increasing public and political pressures that threaten some of the traditional freedoms of practice. It is understandable that you should resent the implication that you no longer deeply care about the people you serve when you are in a state of chronic exhaustion from your efforts to provide such care. What has happened to our public image? Why these puzzling symptoms of public discontent? How can we change them?

As intelligent professionals, trained in scientific medicine, we should take the time to do what we do when we are faced with a patient with annoying unexplained complaints; i.e., we become objective, gather all the facts we can, evaluate them, make a diagnosis, then devise a program of therapy. Instead, we have, for years, behaved like average human beings and have quickly reacted to the symptoms of change with emotional negativism. We are quick to articulate that which we oppose, but rarely have we as a desirable alternative, opposed with rational, constructive actions based on what we are for.

Let's dismiss our righteous indignation for the next few minutes and take a diagnostic look at some of the frequently encountered symptoms and complaints. Let us consider the problems as physicians, for that is what we are.

For the past several years I have heard numerous and sometimes prominent persons make the following statements: (1) medical schools are failing to produce general practitioners, (2) doctors are no longer in touch with the people, (3) doctors have become self-interested, (4) doctors are too busy making money to care, and (5) doctors have yelled "wolf" about socialized medicine for the past 20 years and it doesn't have much meaning any more. Let us examine these symptomatic complaints with microscopic objectivity. It is true that medical schools do not produce GP's, but it is also true that we do not produce surgeons, urologists, or any other specialists. Doctors choose their field of interest while in their postgraduate hospital training. Even under low power we can see that the individual public likes his own physician, but is dissatisfied with us as a group. Under the high power lens, we can see that we have lost touch with some segments of our population, at least we no longer influence their political and philosophical actions. How about the allegation that we are self-interested. Well, I hope you are human enough to have some self-interest. Unfortunately, as physicians our talent for being maneuvered into a position of appearing to be against programs that on the surface appear to be for people, gets us into trouble. We have failed to make the point that opposition is sometimes based on what many think is in the best interest of the people. To those who say "doctors are too busy making money to care," I say, "That only because doctors do care are they so busy and only because they are busy, they make money." Many doctors make less per hour than many laborers. They just work longer. Many of the public do not appreciate the loneliness, singleness, responsibility, and devoted constancy of the general practitioner. The allegation that doctors have yelled "wolf" about socialized medicine to the point that it has lost its impact probably has much truth, for the "wolf" is now approaching the door, and the people who used to listen are not doing so.

These are only some of the common symptoms and complaints; all are based on narrow, partial views, and in fact, are analogous to referred pain. We must look beyond where it hurts if we are going to understand the real significance of these symptoms. It might even pay to get some of the past history.

The complaining symptoms all reflect frustrations. Twenty years ago every family had access to a family doctor. Doctors were revered as individuals and respected as a group. We enjoyed a totally secure position. We liked it, and we would like to keep it. Now we are caught in a floodtide and we are trying to maintain our station. The floodtide is comprised of many dynamic factors, but the principal ones over which we appear to have little control are (1) the population explosion, (2) the knowledge and technical explosion, and (3) the urban explosion.

People are reproducing faster than physicians and other health science personnel can be produced. The inevitable result is a relative and in some areas, an actual shortage of physicians. People have moved from the farms to the cities and people in the cities are moving to the suburbs. Our very large cities now have depressed central areas of populations with totally inadequate medical coverage and these people do have votes. Although this circumstance does not apply to Oklahoma, we do have an equally serious problem in our rural areas. Many small towns have not been progressive. As the family physicians die out in these areas, there is no one to replace them. Young GP's need and want modern hospital facilities, they want professional and intellectual companionship and stimulation. They want time off and their wives want cultural and school advantages that may not be present in many small rural towns. As a result we have rural communities and even whole rural counties without a medical doctor. They want and expect to have a doctor. Their voices are beginning to be heard in our legislative halls. Such people are not going to worry very much about the freedom of medicine.

These, then, are the swiftly moving currents that are threatening our professional security. When beset by such tides it is natural for man to react in an attempt to somehow hold his ground. If the tide grows, he is faced with three alternatives: (1) Go with the current and perhaps never regain a solid footing, (2) resist the tides and be destroyed, or (3) seek solid footing on higher ground. I prefer the latter. To stubbornly curse the tides and to blame others for our dilemma is a failure to adapt. For an individual, a species, a culture, or a profession to display the inability to adapt to meet the changes of time eventually means one thing —extinction. This is an inexorable law of nature.

I think now we can come to diagnosis and therapy. The diagnosis: failure to recognize the changing needs of people in a changing world. We have been busy and we cannot know the problems of people and patients we do not see. We have, with much justification, worried about our loss of status, our loss of freedom, our privileges; so much so that we have sometimes failed to see our reason for being. Doctors are for people; we exist to provide for the professional health needs of people.

As educated and creative professionals, we have the abilities to cure the symptoms that trouble us but first we must evaluate the problems, then develop appropriate programs of therapy. Actually, this is our responsibility, but it will soon become a legislative responsibility if we fail to act.

To these ends I am proposing a collaborative project designed to meet our medical social responsibility to the State and the people of Oklahoma. In so doing we can correct our public image and demonstrate the devotion and dedication that physicians have always had.

PROJECT RESPONSIBILITY

I invite the physicians of the State to join with us in a project that will enable us to identify the health personnel needs of Oklahoma and on the basis of known needs, to tool up with programs designed to meet them.

In tune with the times, I propose a label for this program. We will call it "Project Responsibility." Now for a few explanatory words and then details of my proposals.

Everyone has long accepted the basic functions of the university medical center as those of education, research, and service (to teach, to search, to serve). The taxpayer will say it is to produce the doctors, nurses, and the allied health personnel needed to keep them well and to man our hospitals. Until recent years we have been able to meet these goals reasonably well, but the medical center, too, has been caught in the floods of changing times. In order to exist, we have had to accept Federal support for sponsored research. This support, combined with inadequate State appropriations, has created imbalances in medical center production so that our most important end-products, medical students and patients have not always come first, and they must always come first. The population explosion, urbanization, and specialization have created imbalances in the supply and distribution of available health services. I am told that there are many

communities and even some large areas in Oklahoma where there is no medical doctors and many others with shortages of all kinds of health science personnel. Since the impact of the population explosion has just begun and people can be produced faster than doctors, there is justification for the growing public and governmental anxiety over the shortage of family physicians and health facilities. We believe the medical center has an opportunity and a duty to provide the leadership necessary to study these problems and with the help of all to resolve them. We believe that the proposed study of medical services represents applied research that is as legitimate as is research in molecular biology.

I should emphasize that while "Project Responsibility" may be described as a social tool, it is not to be a tool for the socialization of medicine. In fact, it may offer the only effective opportunity we have left to prevent a total socialization of medicine and the time is late.

I want also to reassure our faculty that the proposed program will not be permitted to dilute our existing programs of academic excellence. In fact, this project should supplement and implement academic goals and in the long run, protect academic freedom and the privileged pursuit of knowledge. For once, town and gown should have compelling reasons to come together in a mutually beneficial program that, more importantly, is clearly in the interest of the public. In final analysis it will be the public who will decide the kind of medicine we will practice in this country.

How does one approach such an ambitious undertaking? We back away from our emotional and proximate perspectives and approach it as objectively as we would any other kind of study project. (1) Define the problems, (2) decide on methods of study, (3) collect data, and (4) develop programs based on the facts that evolve.

"Project Responsibility" will be a four-phased program.

Phase I. A statewide inventory study of the health science personnel now serving the people of Oklahoma. The goal: to define State and community needs by: (a) Identification of numbers, kinds, and ages of physicians and allied health science personnel now in the State; (b) identify the location of health science personnel; (c) identify the areas of shortages, numbers, and kinds (where they are, where they are not, and who needs what).

Phase II: A projection of current and anticipated needs based on (1) findings of the study, (2) needs and expectations of the public, (3) needs and expectations of the profession, (4) needs of the university, (5) the social forces at work, (6) governmental and health agency forces at work.

Phase III: Reevaluate the medical school curriculums and hospital training programs on the basis of these needs: (a) Develop an appropriate undergraduate education program in family medicine; (b) a community hospital resident training program in family medicine (general practice); (c) develop appropriate education and training programs in the allied health fields. (Laboratory technicians, surgical technicians, nurses, public health nurses, medical social workers, hospital administrators, etc.)

Phase IV: A "pilot" study program in the "packaging" of medical services in a "have not" rural area.

Goals: (a) To develop a rural community health center, geared to family medicine; (b) to utilize this center for the development of a university approved teaching program in family medical care; (c) study methods for increased efficiency and economy of effort in providing medical services in a rural setting; (d) provide exemplary medical care in a rural setting; (e) attract family physicians to rural areas; (f) stimulate the teaching of family medicine in a rural setting; (g) gain widespread public support for voluntary medical programs.

The rural community health center program requires some explanation. My conceptualization of this program is this: With private resources, build a small group clinic-hospital (community health center) located in an area that does not have a medical doctor. It is hoped the community involved will finance or help finance this structure. The clinic will be staffed with a well-trained general practitioner, a pediatrician, and an internist. The reasons for this particular combination are many. We know that in the foreseeable future we cannot possibly produce enough general practitioners to meet public needs, we must recognize the limitations of pediatricians and internists in the areas of surgical emergencies and trauma, and at the same time the value of pediatrics and internal medicine consultation in the areas of diagnosis, fluid and electrolyte balance, preventive medicine, mental health, and growth and development. Thus, each can complement the talents of the other.

This community health center will be considered as an integral part of the university's teaching program in family medicine. The physicians in the group will have active faculty teaching appointments. They will be assigned one or more residents in family medicine who will spend a specified time in what might be called a "house staff preceptorship" in a rural setting. Teaching consultants in practice and from the medical center staff will be assigned for interim visits. The clinic doctors will be given periodic leaves for refresher courses, or advanced training. With three physicians and a resident, there will be time to read, to spend with families, to go to larger cities for cultural activities and to engage visiting consultants in stimulating medical thought and conversation. These lucky doctors could become the happiest in medicine.

How is this not socialized medicine? First, the university will be there primarily in the role of applied research and teaching. During the first year or two, doctors will be guaranteed a minimum salary. They will collect standard fees for service, with a schedule to be approved by the Oklahoma State Medical Association. If collections do not equal the guaranteed minimum salary, the difference will be paid from a trust fund. If they earn more than the minimum, it is theirs. This is free enterprise. They will have an option to lease or purchase the facility once it is self-supporting. In addition to the doctors and the resident in training, the clinic would be staffed with nurses including a public health nurse (who will have the time to drive out 15 miles to see if Aunt Minnie really needs to see the doctor), and a professional medical social worker who will, under the doctor's supervision, listen to and assist with family problems, evaluate the families' ability to pay full fees or no fees, and when necessary, to complete forms and arrange for agency support.

Acute emergencies would be cared for in the hospital, but more unusual and serious problems would be transported to the nearest approved and completely equipped and staffed hospital center. Patients in the area who want to come and are eligible for medical center care could be screened at the clinic, hence sometimes avoid the frustration of making a long trip for a common illness. On the other hand, good teaching cases, eligible for medical center care could be referred. If the pilot program works well, the clinic center would eventually be turned over to the physicians and the community. Lessons that have been learned might then be applied to other "have not" areas. This eventually would fill the vacuum areas that are now attracting cultists, and would make exemplary care available to rural citizens where no care now exists. This program would give more status to rural practice and to family medicine, hence would attract young doctors. It undoubtedly would influence teaching performance at the medical center.

I can think of no better way to earn the popular support of the people than by demonstrating with this kind of positive action the genuine interest of our profession in their needs. In so doing, we can show the way to the Nation.

I can expect some opposition to this plan, but if you oppose, do so by offering something better to accomplish the same goals. I invite your constructive criticism and your support—for without both we are faced with unpleasant and even unacceptable alternatives. "Project Responsibility"—let's meet it.

Mr. MONRONEY. Mr. President, regardless of congressional action for or against the hospital or medical care proposals now before us, some way must be found to give more status to rural medical practice and to family medicine.

There are rural areas in Oklahoma, and in other States I am sure, where the family physicians have died after years of service, but no new doctors have arrived to replace them. We must find some way to assure that rural communities and even whole rural counties do not continue without any medical doctors. Yet we cannot force young general practitioners to locate in such doctor-starved towns.

Dr. Dennis was urging other doctors to consider his proposals for attracting graduates through modern hospital facilities, stimulating professional companionship, and time—time to read, spend with families, and go to larger cities for cultural activities. Such plans as his merit thought by laymen as well as doctors seeking answers to this thorny problem.

THE UNIFORM TIME ACT OF 1965

Mr. McGEE. Mr. President, Trailways magazine for January and February of this year carries an article which sets forth the confusion, cost, and turmoil created by the crazy-quilt pattern of time changes in the United States today.

With the Senator from New Hampshire [Mr. COTTON], I have sponsored a bill, the Uniform Time Act of 1965, which would serve the purpose of correcting at least one of the confusing developments which plague many Americans, but especially our business community and the transportation industry specifically. S. 1404 would simply provide that areas resorting to daylight saving time change from standard time on the same date, and revert to standard time again at the end of the summer season on the same date. No area would be forced to adopt daylight saving time; but those which did would be told to impose it between the fourth Sunday of April and the fourth Sunday of October, uniformly, the Nation over.

This is, to my mind, a simple step which would relieve much confusion, although it is only the beginning of a time-reform program which I believe we must ultimately face up to.

I ask that the Trailways magazine article, "Time To Change Our Time Changes," be printed in the RECORD:

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

[From Trailways magazine, for January–February 1965]

TIME TO CHANGE OUR TIME CHANGES

While serving as U.S. Ambassador to France, Ben Franklin reportedly awoke one morning in Paris and noticed the sun shining brightly outside. He asked himself, "Why are we not taking advantage of all of this daylight?" He even made an analysis of the number of candles that could be saved by the people of Paris if they changed their time habits.

The extra expense they incurred by ignoring his advice cannot hold a candle to the needless, added operating costs imposed upon this country's transportation industry each year because of our chaotic, confusing time-changing habits.

Unless Congress acts promptly to establish a nationwide, uniform time change policy, 1965 will be another clock juggling year. We will continue to be plagued by widespread variations in standard and daylight saving time across the country, complicated by frequent time zone boundary disputes, differing standard-daylight changeover dates, and an assortment of local community options.

Because it transports about a third more passengers each year than do the railroads and airlines combined, America's intercity bus industry is most adversely affected by the lack of uniformity in the field of time. Immediately, the intercity bus industry is burdened with an annual bill of nearly $500,000 for printing extra schedules required only because of time change variations, conflicts and local options. The long-range cost to the industry is incalculable.

However, Carolina Trailways has used an example which suggests the long-range effect of a lack of uniformity in the matter of time changes. It cites the case of a Salisbury, Md., passenger traveling to New York City who must keep straight the following changes in scheduled departures: 1:45 p.m., in early April, changed to 2:45 p.m. on the last Sunday in April, changed to 1:45 p.m. on Memorial Day, changed to 2:45 p.m. on Labor Day, changed to 1:45 p.m. on the last Sunday in October.

It's no wonder that passengers become confused and irritated over these time changes. It's even understandable, if unfortunate, that they often blame the bus industry for these changes.

Sometimes the results are so absurd as to be humorous.

Richard A. Trice, vice president and traffic manager of Virginia Trailways, in testimony last year before the Subcommittee on Commerce and Finance of the House Committee on Interstate and Foreign Commerce, told this story.

"An amusing incident occurred at our Washington terminal this spring. It is approximately 50 miles from Washington to Fredericksburg, Va. The running time is 1 hour and 5 minutes (now 50 minutes, with the opening of the last section of the interstate highway). On the last Sunday in April when the District of Columbia goes on daylight time, a passenger departing Washington at 5:40 p.m. daylight time arrives in Fredericksburg at 5:45 p.m. standard time, or as it appears on the schedule, 5 minutes later than the departure time from Washington.

"A passenger approached our ticket agent in Washington and inquired about the next schedule to Fredericksburg. The agent advised that the next departure would leave at 5:40 and would arrive in Fredericksburg at 5:45 p.m. He asked the passenger if he would like to buy a ticket. The man thought for a minute and then replied that he had decided not to go. However, he said that if it were all right with the ticket agent, he would wait around for the departure time to see the bus blast off."

In fact, of course, Trailways buses do not blast off to cover the 50 miles between Washington and Fredericksburg in 5 minutes. However, unless Congress acts quickly on the time uniformity problem, the Trailways schedule which goes into effect on April 25, 1965 will show that—thanks to the new Interstate Highway System—the 5:40 bus will arrive in Fredericksburg 10 minutes before it left Washington.

Any doubt that it's time for a change in our time changes?

THE REVEREND JAMES J. REEB

Mr. McGEE. Mr. President, the city of Casper honored a hometown hero on Sunday, March 14, with a quiet memorial march and a series of tributes. The Casper (Wyo.) Tribune for Monday, March 15, carried a full report on these ceremonies in honor of the late Reverend James J. Reeb, whose memory was honored again this Sunday, March 21, at a memorial service in Casper's First Presbyterian Church, where he was ordained a minister in 1953.

At last Sunday's observance, tributes to James Reeb came from a variety of quarters. One came from Roy Wilkins, executive director of the National Association for the Advancement of Colored People. Others came from former classmates of his, including the mayor of Casper, Patrick Meenan.

I ask unanimous consent to have printed in the RECORD the Casper Tribune's report of last Sunday's tribute to the Reverend Reeb, and also the eulogy delivered on that occasion by Frank Bowron, one of his classmates in the 1945 graduating class of Natrona County High School.

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

[From the Casper (Wyo.) Tribune, Mar. 15, 1965]

TWO HUNDRED AND FIFTY JOIN IN QUIET CASPER RACE MARCH

"No American is a stranger or agitator in his own land."

That was the reply a high-ranking Negro leader made Sunday to those who say the Reverend James J. Reeb should have stayed out of Selma, Ala., where he was fatally beaten last week.

Roy Wilkins, executive director of the National Association for the Advancement of Colored People, called the Reverend Reeb a "20th century good samaritan," who went to aid the Negro.

"Selma was a challenge to the Christian teachings upon which James Reeb had built his life," Wilkins said. He spoke at the Natrona County High School gymnasium, in which the Reverend Reeb once took physical education.

The NAACP leader said it appeared that one would have to be a political science professor to pass Alabama's voter registration test. Nevertheless, he said, all of Alabama's voters supposedly have passed the test. This would indicate that the State's voters are the most intelligent in the country, Wilkins said.

"If that be true, then the mystery of how Gov. George Wallace was elected deepens," Wilkins said.

Wilkins' 10-minute speech climaxed an afternoon of memorial tributes to the Reverend Reeb, who lived in Casper from 1942 to 1953 and whose widow is the former Marie Helen Deason, of Casper.

Earlier about 250 people had calmly marched from the city-county building to the high school as a public tribute to the late minister. Members of the police escort said there was no trouble along the march route.

The marchers were lead by the Reverend Peter G. Koopman, pastor of Shepherd of the Hills Presbyterian Church. Mr. Koopman also is chairman of the executive committee of the Casper tribute to James J. Reeb.

The marchers were about evenly divided between Negroes and whites. Among them were Wilkins, Rod Crowlie, Democratic State chairman, and Jesse Johnson, president of the Colorado-Wyoming division of the NAACP.

At the high school the marchers were joined by about 50 other people. The Reverend Reeb was eulogized by three Casperites who were classmates of his at Natrona County High School. They were Mayor Patrick Meenan, attorney Frank Bowron, and Dr. Joseph Murphy.

"If Jim Reeb's death did nothing but get people like me all across the country thinking, then his death was not too high a price to pay," Meenan said.

Another speaker was Allerton Barnes of Denver, vice president of the Rocky Mountain Area Unitarian-Universalist Association. Mr. Reeb was a Unitarian minister. The speakers were introduced by Casper attorney Ray Whitaker.

Whitaker read several telegrams of condolence, including ones from Republican Senator MILWARD SIMPSON and Democratic Representative TENO RONCALIO. Democratic Senator GALE McGEE had sent one to the tribute committee earlier.

Other speakers were M. F. Griffith, superintendent of schools; Kelly Walsh, assistant school superintendent, and the Reverend James Power, pastor of St. Patrick's Catholic Church. Father Power read a statement from the Most Reverend Hubert M. Newell, D.D., bishop of Cheyenne, who was unable to attend because of a confirmation service in Cheyenne. The bishop said:

"The entire Catholic community of Wyoming joins in mourning this man of God who has brought home to us so forcefully the beautiful words of sacred Scripture: 'Greater love than this no man hath, that a man lay down his life for his friends.'

"May his sacrifice fire us with the courage and determination to come to the aid of all victims of discrimination and injustice, wherever they may be found. Only then can it be said that the death of the Reverend James Reeb has not been in vain."

A collection was taken at the assembly to be contributed to a fund for the Reeb family and one that will be used to establish a memorial in the minister's name.

At the community concert last night at the high school, Izler Solomon, conductor of the Indianapolis Symphony Orchestra, dedicated the orchestra's final encore to the memory of the Reverend Reeb.

EULOGY TO REV. JAMES J. REEB, MARCH 14, 1965

(NOTE.—On March 14, 1965, Casper, Wyo., the hometown of Rev. James J. Reeb, held a memorial tribute to the minister who died at Selma, Ala. Three men who had graduated with Reverend Reeb in the Casper high school class of 1945 spoke. They were Casper's mayor, Patrick H. Meenan, Dr. Joseph Murphy, Casper physician, and Frank L. Bowron, Casper attorney. The following is Mr. Bowron's eulogy to his late friend:)

"Friday evening, after I had accepted Reverend Koopman's invitation to speak here today, I was in a restaurant having a cup of coffee when I heard a woman at the next table talking about the murder of Jim Reeb.

"Why did he go down there anyway," she said. "He had no business getting involved."

This, then, is the question I want to try to answer this afternoon * * * and at the same time attempt to tell you something about Jim Reeb.

Jim Reeb and I went through high school together, belonging to the same church and attended the same Sunday school class. He was a sensitive boy and intensely idealistic.

There was a war and he was not old enough to go * * * but he watched the fathers and mothers of his town endure the pain of losing sons * * * sons dying for the cause of freedom. And he learned that these parents * * * and these sons * * * if they were asked to repeat that sacrifice, would say: "Yes, I would do it again."

There was a teacher in high school * * * a dedicated woman of intelligence and vigor, who instilled in him a strong feeling for honesty and justice * * * and who by her dedication to teaching made an example of her very life of helping others. And if you asked her today: "Would you give these principles to Jim Reeb if you had it to do over again?"

She would say: "Yes, I would do it again."

There was a minister in our church, who through those years, with infinite patience and dedication, encouraged Jim Reeb to choose the ministry as his career * * * and who by his own sacrifice and love, set before Jim an example of what such ministry can mean. And if we could ask that man today if he would do this again, * * * he would say: "Yes, I would do it again."

There was a succession of Sunday School teachers * * * all of them sincere Christian men and women, who taught Jim Reeb the message of love for his fellow men and love for God * * * and each of these, if you asked them today:

"If you had it to do over again, would you guide Jim Reeb by these teachings?"

Each would answer "Yes, I would do it again."

There are his parents, who taught him their own standards of honor and decency, love, and respect, * * * and who guided him by the same code by which they have lived. And if you asked them today if they would do that again, they would have to answer: "Yes, I would do it again."

And there is a wife, whose qualities of understanding and compassion, and whose courage matched his own, and who could say to him: "Do what you feel you must, * * * do what you know is right."

And no greater demonstration of their union could be found than when that wife was asked * * * during the vigil in Birmingham, whether Jim Reeb would go back to Selma if he had it to do over again * * * and she answered without pause or hesitation * * * for Jim: "Yes, I would do it again."

Jim Reeb was taught, right here in Casper, Wyo., that his going to Selma was the right thing * * * the decent thing * * * the Christian thing—to do. And it is because he accepted our teaching, and believed our truths and adopted our principles * * * it is because we helped shape his tragic destiny, that Casper, Wyo., must share the shame of Selma, Ala.

Our guilt was expressed by the woman in the restaurant when she said: "He had no business getting involved."

That woman spoke for millions of Americans whose creed has been: "I don't want to get involved * * * let them solve their own problems."

Today, most of these voices are silent * * * struck dumb by the human sacrifice of Jim Reeb on the alter of bigotry and hate.

But tomorrow, they will begin again:

"We don't have the problem here * * * I don't want to get involved." And soon, it will resolve itself again into that simple ageless answer that Cain gave the Lord: "Am I my brother's keeper?"

How appropriate to this moment is the answer of the Lord:

"What have you done? The voice of your brother's blood cries to me from the ground."

Today * * * all America is standing trial for the murder of James Reeb.

Today, by the murder of James Reeb, the mark of Cain is written across the face of the Nation.

If we fail Jim Reeb at this moment, we forfeit our highest aspirations to truth and honor and love.

If we fail Jim Reeb, we forsake all that is noble in our lives and we profane our hopes for our children.

If we fail Jim Reeb, may God have mercy on our souls.

PREDICTIONS BY JAMES A. FARLEY

Mr. McGEE. Mr. President, the former Postmaster General, James A. Farley, of New York, during the past political campaign again proved himself an astute observer of the American political scene.

Bernard Horton, editor of the Wyoming Eagle, at Cheyenne, interviewed Mr. Farley during the Democratic National Convention, last August; and from that interview came predictions which, in November, proved startlingly accurate. This fact is brought home by a later article written by Mr. Horton, which I wish to share with the members of this body and the many friends of that remarkable political pro, Jim Farley.

I ask unanimous consent that the article entitled "Political and Otherwise," written by Bernard Horton, be printed in the RECORD.

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

[From the Wyoming Eagle (Cheyenne, Wyo.) Nov. 20, 1964]

POLITICAL AND OTHERWISE

(By Bernard Horton)

This column is about that remarkable old political pro, James A. Farley of New York.

We first met Mr. Farley personally at the Democratic National Convention in Atlantic City last August.

We had an exclusive Wyoming Eagle interview with him on the jampacked floor at Convention Hall.

In reply to our questions, the 75-year-old former Postmaster General, who served as national Democratic chairman and campaign manager for the late President Franklin D. Roosevelt in the 1930's, predicted that President Lyndon B. Johnson would end up with as great a victory as that scored by F.D.R. in 1932.

That year, Roosevelt carried 42 of the 48 States—losing only six states.

Farley told us President Johnson would carry Maine, New Hampshire, and Vermont, which Roosevelt lost in 1932.

"I think it's going to be an overwhelming victory," he said.

Aware of the fact that Mr. Farley had, for many years, been recognized as one of the Nation's most respected and astute political pros, we made arrangements to call him shortly before the election for another story on his appraisals.

After all, as long ago as 1936, this man had won nationwide attention when he went against many polls and flatly predicted President Roosevelt would carry every State except Maine and Vermont. That is exactly how that election turned out.

But, as we pushed our way through the vast, milling crowd back toward the press section, we couldn't help wondering whether he might not be just a little optimistic this time, considering the November 3 general election still was more than 2 months away.

On Friday, October 23, 2 months after our Atlantic City interview, we called Mr. Farley at the Waldorf Astoria in New York City.

How do things look to you now?

"This is very definitely a landslide comparable to Mr. Roosevelt's of 1936," Mr. Farley replied. "It could be just as big, with Johnson losing only two States. The popular vote will be even higher than Mr. Roosevelt's was,"

Farley said he didn't believe President Johnson would lose more than 6 of the 50 States. "That would be the maximum."

He listed some States.

He said the President might lose Alabama and Mississippi. He listed Louisiana as "doubtful," and said Georgia, Florida, and South Carolina had been debatable, but that the President was gaining in all of them.

He predicted President Johnson would carry every State west of the Mississippi River, including Wyoming and all of the other Rocky Mountain States.

"The impression we have here" is that Senator GALE MCGEE is going to win in Wyoming, he said, and he predicted former Attorney General ROBERT F. KENNEDY should win the New York Senate race in the Johnson landslide.

Then came November 3, election day.

President Johnson did win in a landslide. He carried 44 States and the District of Columbia—losing only 6 States. He carried Maine, New Hampshire, and Vermont, as Farley had predicted in August. He lost Alabama, Mississippi, Louisiana, Georgia, South Carolina, and Arizona.

With 98 percent of the precincts counted, the President had 41,727,846 votes to only 26,197,960 for his opponent, Senator Barry Goldwater. His popular vote margin of 15,529,886, did, indeed, top F.D.R.'s 11,072,014 over Alf M. Landon in 1936.

Johnson carried every State west of the Mississippi River, including Wyoming—except one, Arizona, the home State of Senator Goldwater, and that was close.

Senator MCGEE and ROBERT F. KENNEDY were elected.

It was, to borrow the words of an expert, "an overwhelming victory."

COURT LENIENCY IN ATTACKS ON POLICEMEN

Mr. ROBERTSON. Mr. President, at a time when crimes of violence are increasing in all big cities, it is shocking to read in the newspapers that a judge in Chicago exonerated a man accused of attacking a policeman with a broken beer bottle, merely because two officers with drawn revolvers had approached the defendant and a companion.

According to press reports, the two policemen, Thomas DeSutter and Raymond Howard, testified that they were responding to a report that a man with a broken beer bottle was menacing persons on the street. The newspapers reported that although the officers were in plain clothes, they announced they were police as they approached two men in an alley; and officer DeSutter testified that he had his star in one hand and his gun in the other as he and his partner called upon one of the men to drop the bottle. The stories relate that instead of complying, the men resisted, and officer DeSutter was badly cut about the face.

But in court, Judge George N. Leighton released the two men. He was quoted as having said he found no law against carrying a broken beer bottle, and that

the police officers had no right to draw their guns against citizens who had not done anything. The prosecutor argued that the men had unlawfully resisted arrest and were guilty of aggravated battery.

Mr. President, it is no wonder that crimes of violence are mounting at an alarming rate, not only in Chicago, but here in Washington and in other large cites, when judges take this attitude toward the police officers who risk their lives to patrol the streets.

When policemen are in plain clothes, as these Chicago officers were, they do not carry nightsticks with which to defend themselves. Should they be expected to go emptyhanded when they walk up to a man holding a broken beer bottle?

Mr. President, when the courts fail to back up policemen in the performance of their sworn duty, law violators everywhere are encouraged. Furthermore, men engaged in police work, who are risking their lives, are discouraged; and this may help explain why there were 121 vacancies, at the beginning of this month, on the Washington, D.C., police force.

I ask unanimous consent to have an editorial—from the Chicago Tribune—which sums up the issues involved in this indefensible decision, printed in the RECORD as a part of my remarks.

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

[From the Chicago (Ill.) Tribune, Mar. 7, 1965]

INVITATION TO ANARCHY

Two men accused of beating and slashing a policeman with a broken bottle last fall were discharged Friday in criminal court—not because they didn't do it, but because the policeman and his partner had drawn their guns.

"The police officer," in the astonishing opinion of Judge George N. Leighton, "has no business to pull a gun and attack the citizen. The right to resist unlawful arrest is a phase of self-defense. What is a citizen supposed to do when he is approached by two officers with a gun?"

Judge Leighton seems to have answered his own question by suggesting that if a citizen thinks he is being arrested without cause he has a right to fight back, to resist arrest, and to attack the police officers with whatever weapon may be handy. This amounts to saying that a citizen has a right to decide when he should be arrested and when he shouldn't. If that is Judge Leighton's view, then what does he think judges are for?

And who does Judge Leighton think was attacking whom? The policemen identified themselves and drew their guns for the purpose of discouraging violence. They didn't fire the guns. On the contrary, it was the defendants who had been accused of threatening bystanders. And when the policemen ordered one of them to drop the bottle, he replied, "Come and get it, you ——— coppers."

In one way or another, court decisions are tending to make the streets safer for hoodlums than for law-abiding citizens. Judge Leighton professes a concern for civil rights; but this isn't civil rights. It is a part of the doctrine that the policeman is always wrong, and it is an invitation to anarchy.

There may be no way of correcting the decision. But the judge can and should be transferred immediately to a position where he can do less harm. He should be replaced by someone who is aware, as State's Attorney Ward pointed out after the decision, that there is no right to resist arrest.

WILLARD WIRTZ—A GREAT SECRETARY OF LABOR

Mr. WILLIAMS of New Jersey. Mr. President, I am sure that my colleagues will agree with me that Willard Wirtz is one of the greatest Cabinet officials ever to serve this country. As Secretary of Labor to two Presidents, he has proved himself to be not only an effective administrator, but an effective and articulate spokesman for the Great Society we are building in America. As a leading proponent of such historic legislation as the Manpower Training and Development Act and the Economic Opportunity Act, he has already made an important contribution to the greatness and the growth of this country.

The Subcommittee on Migratory Labor has often benefited from Secretary Wirtz' wise advice and counsel. I have been impressed and gratified by Secretary Wirtz' determination to make sure that our long-neglected migratory workers receive their fair share in the American way of life. In this Secretary of Labor, the forgotten migrant has found an eloquent spokesman and a true friend. All of us who have been concerned with the plight of the migrant and his family salute the work of Willard Wirtz.

Nowhere is Secretary Wirtz' commitment to bettering the lives of Americans more apparent than in his forceful stand against the continued, large-scale importation of foreign workers. He has made his position absolutely clear to farmers and growers: He will not allow the importation of farm labor under Public Law 414 unless the farmer has first offered fair wages and working conditions to American workers. The Secretary believes, and I agree with him, that with large-scale persistent unemployment, particularly among unskilled labor, it is unfair and illogical to import cheap foreign labor. In my judgment, with proper employment procedures the American worker will do arduous farmwork if he is paid a decent wage.

In acting to protect the American worker the Secretary is quite properly carrying out the expressed intent of the Congress. Last year, the Congress ended once and for all the so-called bracero program. It also passed an Economic Opportunity Act which contained a $15-million program specifically aimed at improving the education and living conditions of the American migratory worker. In passing both these bills, the Congress made crystal clear its determination that the national disgrace of the migrant worker must be eliminated. More than one-half of the Nation's poor live in rural areas; and the migrant is the poorest of the poor, subsisting on an average income of scarcely more than $850 a year. It is an actual and tragic fact that the migrant's income has actually declined in the past few years. If we are serious about the war on poverty, we must insist that the American migrant receive a decent wage, and not have his employment opportunities jeopardized by imported foreign workers.

No one is more fairminded and honest in his judgments than Secretary Wirtz. I am happy that he has decided to conduct a personal investigation of the farm labor situation in California. I myself have recently returned from a field trip to Florida to look into the alleged farm labor shortage there. I am convinced that while there may be a temporary shortage in some areas and some particular crops, an adequate recruitment system will develop a suitable domestic labor supply.

I am confident that, with concentrated efforts by both farmers and the farm placement service, an ample supply of capable domestic workers can be developed from these sources. I know, of course, that the problem is infinitely complex and will be worked out only with a sustained investment of energy and constructive ideas.

I know also that a truly adequate farm labor force will not come into being overnight. Nevertheless, the efforts now being made in this direction have already produced improved labor supplies in some areas of the country; and there is evidence that they are tending to bring about better prices for farmers, as well as better wages for farmworkers.

I am confident that when the Secretary returns from his trip he will share that belief and maintain his position. But the farmers can be assured that Secretary Wirtz will fairly judge their claims of a labor shortage, and that his decisions will be just and equitable to all concerned.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

PRACTICES IN CONNECTION WITH PLACING OF MINOR CHILDREN FOR PERMANENT FREE CARE OR FOR ADOPTION

Mr. DODD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 115, S. 624.

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

The LEGISLATIVE CLERK. A bill (S. 624) making unlawful certain practices in connection with the placing of minor children for permanent free care or for adoption.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Connecticut.

The motion was agreed to; and the Senate proceeded to consider the bill (S. 624) to amend title 18 of the United States Code, to make unlawful certain practices in connection with the placing of minor children for permanent free care or for adoption, which had been reported from the Committee on the Judiciary, with amendments on page 2, line 8, after the word "receives", to strike out "any"; in line 21, after the word "services", to insert "directly in connection with the consultation regarding, and the preparation and execution of documents necessary to accomplish the legal placing or arranging for the placement of a child

in a home for permanent free care or adoption;"; and on page 5, line 12, after the word "or", to strike out "courts" and insert "any court"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 18 of the United States Code is amended by inserting at the end of chapter 53, a new chapter as follows:

"CHAPTER 54—INTERSTATE PLACEMENT OF CHILDREN FOR PERMANENT FREE CARE OR FOR ADOPTION

"§ 1181. Placing child for permanent free care or for adoption for compensation

"(a) Whoever, either by himself or through any agent or employee, or other person, directly or indirectly solicits, collects, or receives money or anything of value, or the promise thereof, in any manner whatsoever, for placing or arranging for the placement of any child in any home for permanent free care or for adoption, under circumstances requiring or resulting in such child being transported in interstate or foreign commerce, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

"(b) The provisions of this section shall not apply in the case of (1) money received by or paid to a child-care or adoption agency in any State, either public or private, which is authorized or licensed by said State to provide permanent care for children or to place children for adoption, as reimbursement for providing services by said agency; (2) fees received solely for professional legal services directly in connection with the consultation regarding, and the preparation and execution of documents necessary to accomplish the legal placing or arranging for the placement of child in a home for permanent free care or adoption; or (3) fees received solely for professional medical services directly in connection with the prenatal care of the natural mother or delivery, examination, or treatment of the child.

"(c) Nothing in this section shall be construed to penalize (1) any person for placing or arranging for the placement of any child in any home for permanent free care or adoption, if such person is the natural parent of such child; or (2) any person who arranges, or seeks to arrange, for the placement in his home of a child for the purpose of adopting such child or providing him with permanent free care.

"§ 1182. Coercion or enticement of natural parent or adoptive parents

"(a) Whoever, by himself or through any agent or employee or other person, whether in return for the payment or receipt of money or anything of value, or the promise thereof or without any such payment or receipt, in any manner whatsoever, persuades, induces, coerces, or arranges for a parent of a child (including a child in ventre sa mere) to travel from or to another place in interstate or foreign commerce to place said child for permanent free care or for adoption when the placement is made or will be made in return for the payment of money or anything of value, shall be fined not more than $10,000, or imprisoned not more than five years, or both.

"(b) Whoever, by himself or through any agent or employee or other person, whether in return for the payment or receipt of money or anything of value, or the promise thereof, or without any such payment or receipt, in any manner whatsoever, persuades, induces, coerces, or arranges for a prospective adoptive parent, or prospective adoptive parents, to travel from or to another place in interstate or foreign commerce to obtain a child for the purpose of adopting such child or providing him with permanent free care, when the placement is made or will be made in return for the payment of money or anything of value, shall be fined not more than $10,000, or imprisoned not more than five years, or both.

"(c) The provisions of this section shall not apply in the case of arrangements for the transportation of a natural mother in interstate or foreign commerce by (1) any child-care or adoptive agency in any State, either public or private, which is authorized or licensed by such State to provide permanent care for children or to place children for adoption; (2) any licensed or authorized maternity home or shelter; or (3) any person who legally arranges or seeks to arrange for the placement in his home of a child for the purpose of adopting such child or providing him with permanent free care.

"§ 1183. Definitions

"As used in this chapter—

"(1) The term 'child' means any individual who has not attained the age of sixteen years; and

"(2) The term 'permanent free care' means the care given to any child on a permanent basis by any person who is not receiving compensation therefor, and is neither related to the child nor standing in such relation to the child or its mother as to create a legal interest in the child's welfare, but such term does not include the free care provided to any child by or through any licensed or authorized child-care agency or any court having juvenile jurisdiction."

SEC. 2. (a) The analysis of part 1 of title 18 of the United States Code is amended by inserting after

"53. Indians ..... 1151"

the following:

"54. Interstate placement of children for permanent free care or for adoption ..... 1181"

(b) That part of the index to title 18 of the United States Code which describes the contents of part 1 of such title is amended by inserting after:

"53. Indians ..... 1151"

the following:

"54. Interstate placement of children for permanent free care or for adoption ..... 1181".

Mr. DODD. Mr. President, I should like briefly to outline the provisions contained in S. 624 and ask my colleagues in the Senate to support this measure which is designed to control certain interstate adoption practices that bear close resemblance to the slave trade of a previous era. The most important objective of the legislation is to outlaw what amounts to the selling of newborn babies in interstate commerce to the highest bidder.

The measure was passed unanimously in the Senate last year. It was not acted upon in the House because of the lateness of the hour.

The bill would establish criminal penalties for the activities of certain unscrupulous baby brokers, sometimes members of our most honored professions, who have found it profitable to arrange adoptions, to seek out childless couples, to contact prospective mothers and often to coerce them into traveling across State lines to surrender their babies in violation of local laws.

We are opposed to the profit motive in this black market in human infants; and I believe that all reasonable men must abhor the callous disregard for the welfare of the babies and for the rights of the two sets of parents that are inherent in these transactions.

Let me give you several examples of what I am talking about.

We were told at the subcommittee hearings last summer of a doctor coercing a teenage mother to give up her baby to cover hospital expenses, so he could sell it for a huge profit.

We were told that a baby was, in effect, sold in adoption to a man convicted on the charge of a sexual offense involving children.

We were told of adoptive parents who were dissatisfied with their new baby soon after they got it and who were then told by the lawyer arranging the adoption to try it out a little longer.

We were told of a black market sale of a baby who was subsequently found to be mentally defective. He was thereupon returned to the doctor who, in turn, hired a woman to take the child without notice to its natural mother, and since she was not home at the time, it was simply left in her room.

And we were told of case after case of children who have been rejected soon after the adoption and who were then passed from hand to hand, back and forth, suffering inestimable damage that may well show up at a later date in the social cost of maintaining our courts and our penal institutions.

Mr. President, the black market in babies thrives largely on the shame, guilt, or ignorance of unmarried mothers and on the frustration, impatience, and haste of childless couples. Indeed, many of these couples have been rejected as unfit for parenthood by official agencies. These are not qualities that assure adequate protection for the child, the innocent victim of irresponsible adults.

We have evidence that over 40,000 children per year are placed in adoption without prior investigation by a social agency and we know that sometimes even the courts have no part in these adoptions because fraudulent birth certificates often show that a child delivered by an unmarried mother is born to the adoptive parents.

The bill before us is designed to eliminate these offenses against defenseless children by thwarting the efforts of the black marketeers to evade State laws and by making it illegal for these brokers to carry on a profitmaking adoption racket in interstate commerce.

I can see no objection to these provisions contained in the bill.

I should also like to take this opportunity to point out that this bill would not infringe upon State laws or responsibilities; that it would not abolish private or nonagency adoptions; that it would not abolish interstate or foreign adoptions; that it would not deprive parents of the right to seek new homes for their children without agency intervention; that it would not prevent childless couples from seeking to adopt a child directly from its natural mother; and that it would not prohibit receipt of professional fees for adoption-connected legal or medical services, childbirth, prenatal or postnatal care and the adoption pro-

ceeding itself. Any fear that this law would delimit private adoptions and force everyone to rely on agencies is groundless.

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

Mr. DODD. I yield.

Mr. JAVITS. I have sought assurances from the Senator from Connecticut, the Senator in charge of the bill, with respect to the matters to which he has referred. I should like to refer him to the additional views which I have filed with the report on the bill. I ask unanimous consent that my views may be printed in the RECORD at this point.

There being no objection, the additional views were ordered to be printed in the RECORD, as follows:

ADDITIONAL VIEWS OF MR. JAVITS

It is significant to emphasize that it is not the intention of the committee in reporting this bill to eliminate or curtail legitimate private adoptions. A large number of adoptions are arranged every year in the United States and abroad through individual lawyers, physicians, friends, and relatives of the parties concerned. These adoptions are carried out in a reasonable and prudent way and bring great happiness to those concerned. There is a definite and proven need for proper means of private adoption. There are many prospective adoptive parents who do not meet the qualifications set by social agencies because of factors such as religion, age, and the requirements of State law. These parents must rely solely on private individuals to obtain children for adoption. In curbing certain abuses, the committee in no way intends to restrict legitimate private placements.

When private placements are arranged by lawyers or doctors, legitimate fees for their services are in order. This practice is in no way intended to be condemned by the members of the committee. This bill is intended to eliminate the activities of the unscrupulous individuals who sell children for a profit and who do irreparable damage to the welfare of the natural and adoptive parents and the children involved.

It should be noted from the report that it is not the purpose of this bill to infringe on State laws or responsibility nor to abolish private or nonagency adoption. The bill is intended not to interfere with intrastate matters relating to adoption, as jurisdiction for domestic relations problems has historically rested with the States. In addition, the bill in no way affects the adoption of children from foreign countries nor imposes standards with respect to adoption.

JACOB K. JAVITS.

Mr. JAVITS. My views cover a good deal more than the Senator has covered. In the additional views I make certain statements about the intent of the bill, its scope, and about the intention of the committee in reporting the bill. I do not wish to impose on the Senator, but I should like to ask him if, having read my additional views, he, as the Senator in charge of the bill would state to the Senate, that what I have said in my views represents the intent of the bill.

Mr. DODD. Yes. I am very glad to do so. I commend the Senator from New York for his interest in this measure, and for the precaution, if I may use that term, that he has taken to be sure that the legislative intent is clear. I completely agree with the additional views he has filed with the report of the committee.

Mr. JAVITS. The Senator is very gracious. I should like to say further—and I believe this applies to other Senators as well—that when we declare an intention, we intend that it be honored. So I would say to my constituents that I shall welcome hearing from them at any time they feel that the legislative intent of the bill is being abused in any way, or is being carried out in any way which we did not intend. Through our power of legislative oversight we will try to make sure that our intention is honestly adhered to. I would do that for any of my constituents, and I am sure the Senator would do likewise.

Mr. DODD. I would do that, too.

Mr. MAGNUSON. Rather than to hinder it.

Mr. DODD. Yes.

Mr. MAGNUSON. I have been deeply interested in this subject ever since I was a member of the State Legislature of Washington, when we enacted some adoption laws. The situation is still pretty much the same in the United States. There are more people who wish to adopt children than there are children to be adopted. I can see no reason why, when children have been staying at orphan homes much longer than necessary, it has not been possible to have them adopted by worthy people. I have sometimes thought that the adoption workers do not do a very good job in finding homes for these children, and that in investigating the proposed home, become a little too technical.

I believe that in the United States any good American home is better for a child than to have the child remain in an orphan home. I should like to see a more expeditious movement of children who spend their times in orphan homes. I hope the bill will assure it.

Mr. DODD. I assure the Senator that the bill, if passed, will indeed help facilitate what he has in mind. I hope that it will make the agencies more sensitive to their responsibilities to the public and urge them to move ahead the whole procedure of the adoption of homeless children by good parents who want to provide them with a home.

Mr. MAGNUSON. Sometimes the workers become too technical in their investigation. They think, perhaps, that a man who is working and might have a history of some unemployment, will not be able to take good care of the child whom he seeks to adopt. In my opinion, a child would be much better off in any home in the United States than in an orphan home.

Mr. DODD. I do not believe there is any doubt about the value of a good home. Perhaps one of the factors that in the past made the social workers more cautious in some cases than would be required was the overabundance of parents interested in adoption. I understand however, that this is beginning to change gradually.

Mr. MAGNUSON. I do not criticize them. I only hope that they will lean a little the other way once in a while.

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

Mr. DODD. I yield.

Mr. JAVITS. I am proud of my association with this effort. There are few ways in which we have an opportunity in our lives to help in a more noble manner than providing assistance to homeless and parentless children. I have seen some magnificent and wonderfully happy results of adoption. Knowing the Senator from Connecticut as I do, I should like to ask him a question. I know the answer, but I think it is important to get it from the Senator in charge of the bill.

We shall be watching this program as it is worked out. The Senator has the same humility about it that the rest of us have.

If we find that for any reason this measure has missed the mark in fulfilling its intended purpose, the Senator from Connecticut will be the first to do something about it.

Mr. DODD. I assure the Senator from New York that what he has said is exactly correct. I will be the first to step forward and say that I think that the proposed legislation is not working as we had expected it would work. I am hopeful that it will. I believe that it will. I agree that we should watch it. We should keep an eye on it and be sure that it is not used for purposes which we do not intend. I think we can do that.

Mr. JAVITS. I thank the distinguished Senator from Connecticut.

Mr. DODD. I have said before and I say again that this measure may indeed strengthen the case of official agencies. I sincerely hope that it will force the agencies to reappraise their services, to eliminate outdated standards and policies and that in turn such improvements will prompt more prospective mothers and adoptive couples to turn to them for assistance and guidance.

But these are matters above and beyond the specific restrictive provisions of S. 624. This measure restricts only a specific type of criminal and profitmaking activity by certain individuals who have perverted their legitimate professional interests and who have violated the most basic humanitarian principles maintained in our society.

Mr. President, the Senate expressed agreement with the purposes and provisions of this bill by passing it in the last session of Congress.

And I should like to point out that this measure was long championed by our late distinguished colleague Senator Kefauver, of Tennessee. Senator Kefauver introduced this bill originally. He deserves the credit for it. I picked it up after I became chairman of the subcommittee. Senator Kefauver was greatly interested in it. He always encouraged me to press on with it. All the groundwork and spadework was done by him.

Subsequently, due to the interest generated by Senator Kefauver, through the years the bill has been scrutinized, refined, and endorsed by the cooperative efforts of many skilled and knowledgeable persons both in the Senate and in other governmental departments concerned with the welfare of the children of this Nation.

I should like to take this opportunity to thank the Senator from Mississippi

[Mr. EASTLAND] for the help he gave me in advancing this bill through the Judiciary Committee and to thank the other members of the Juvenile Delinquency Subcommittee who have shown a keen interest in this measure and who have assisted in its final formulation. I would also like to single out Mr. Joseph Davis and Mr. George Green of the Judiciary Committee's staff for their guidance and assistance in our work.

And I want to express the hope that once again this bill to protect the very youngest citizens of our land will receive favorable consideration by the entire Senate and that it will go on to become one of the significant humanitarian laws enacted by the 89th Congress.

The PRESIDING OFFICER. The first committee amendment will be stated.

The LEGISLATIVE CLERK. On page 2, line 8, it is proposed to strike the word "any."

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

The amendment was agreed to.

The next committee amendment will be stated.

The LEGISLATIVE CLERK. On page 2, line 21, it is proposed to insert the following language after the word "services": "directly in connection with the consultation regarding and the preparation and execution of documents necessary to accomplish the legal placing or arranging for the placement of a child in a home for permanent free care or adoption;".

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

The amendment was agreed to.

The PRESIDING OFFICER. The next committee amendment will be stated.

The LEGISLATIVE CLERK. On page 5, line 12, it is proposed after the word "or" to strike out "courts" and insert "any court."

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

The amendment was agreed to.

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

The bill (S. 624) was ordered to be engrossed for a third reading, and was read the third time and passed.

PROPOSED AMENDMENTS TO THE FEDERAL FIREARMS ACT AND THE NATIONAL FIREARMS ACT

Mr. DODD. Mr. President, today, I am introducing two bills recommended by the administration, one "to amend the Federal Firearms Act," the other "to amend the National Firearms Act."

These proposals constitute a major implementation of President Johnson's war on our exploding crime problem.

The first of these bills would normally be referred to the Senate Commerce Committee. I have cleared with appropriate Senators a request to have this bill referred to the Judiciary Committee, and at this time I ask unanimous consent that the bill be so referred.

Mr. MAGNUSON. Mr. President, reserving the right to object—and I shall not object—I and the other members of the Committee on Commerce are very conscious of the interest of the Senator from Connecticut in the so-called gun bills. Last year a similar bill was referred to the Senate Committee on Commerce. In fact, two or three bills were so referred. But on the major bill, which was introduced by the Senator from Connecticut [Mr. DODD], the committee conducted some lengthy hearings.

There was some opposition to portions of the bill, and that resulted from the fact that a great number of people in the country felt that the bill should be modified. The objections came particularly from the western part of the United States. In the Western States gun laws are fashioned to fit the general area involved and the type of people who live in those areas. They consist of ranchers and people who are generally more scattered. We were about to arrive at a sensible compromise on the question.

The chairman of the committee himself desired to have the bill passed as introduced, particularly as it related to those under legal age.

Mr. DODD. Yes.

Mr. MAGNUSON. But we had a problem. We then asked the American Bar Association—and they agreed—to set up a committee to study the question, because some constitutional questions were involved. There was the question of the constitutional right to bear arms and similar questions. That is sometimes a pretty sensitive point with people who live in the West. The American Bar Association agreed to set up a committee to study the possibility of drafting a uniform measure for the States, which the States could implement or do whatever they wished to do about it. That committee has not yet made a report. It might wish to make a report to the Judiciary Committee. Because of the constitutional question involved, I believe it was properly referred to the Judiciary Committee. After the Judiciary Committee is through with the measure, which I hope will be soon, the Committee on Commerce will take a quick look at it. I assure the Senator that our look at the interstate commerce provisions of the bill will be quick. I think we can get on with this proposal now. The differences have been pretty well adjusted by all of us in regard to this type of legislation. I am very hopeful that it can be passed as soon as possible.

Mr. DODD. Mr. President, I thank the Senator from Washington. He has been diligent and helpful in many respects. He and I have conferred on a number of occasions about the bill. I know of his interest in enacting the proper kind of proposed legislation. I am grateful to him for his cooperation this morning in allowing the bill to be referred to the Committee on the Judiciary.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. DODD. Under the arrangement that we have worked out, once the Judiciary Committee has reported back a bill to the Senate, and I hope this will be soon because I expect to hold hearings very shortly, the Commerce Committee will have an opportunity to express its views and opinions on the Judiciary Committee's recommendations.

I have conducted hearings covering every section of the country, in an attempt to bring before the public the tragedy and imbecility of our failure as a society to civilize the use of firearms.

In terms of legislative accomplishment, the result of this 4-year effort has, thus far, been a lamentable cipher.

But there has been considerable success in stimulating awareness of the problem and support for its solution, from the people, in the press, among my colleagues, and from the White House, a success which stems, not from my advocacy alone, but from the condition itself, so incendiary, so chaotic, so idiotic, that its continuation challenges the sense and even the sanity of our society and our lawmakers.

It is, therefore, with a sense of thanksgiving, and, hopefully, with a sense of victory in the air that I introduce, in behalf of the administration, legislation calling for controls more comprehensive and stringent than I dared to hope for in the heedless and complacent years gone by when 10 million weapons were placed in unknown hands, foreshadowing a toll in death and in tragedy that has yet to be reckoned.

The two bills which I have just introduced will, in brief, do the following:

First. Prohibit mail-order sales of firearms to individuals by limiting firearms shipments in interstate and foreign commerce to shipments between importers, manufacturers, and dealers.

Second. Prohibit sales by federally licensed importers, manufacturers, and dealers, of all types of firearms to persons under 21 years of age, except that sales of sporting rifles and shotguns could continue to made to persons over 18 years of age.

Third. Prohibit a Federal licensee from selling a firearm, other than a rifle or shotgun, to any person who is not a resident or businessman of the State in which the licensee's place of business is located.

Fourth. Curb the flow into the United States of surplus military weapons and other firearms not suitable for sporting purposes.

Fifth. Bring under Federal control interstate shipments and disposition of large-caliber weapons such as bazookas and antitank guns, and destructive devices such as grenades, bombs, missiles, and rockets.

Sixth. Increase license fees, registration fees, and occupational taxes under the Federal and National Firearms Acts.

Seventh. Provide other Federal controls designed to make it feasible for States to control more effectively traffic in firearms within their borders under their police power.

Mr. President, I send to the desk an exhaustive, line-by-line analysis and de-

scription of each bill, and I ask unanimous consent that the analyses and the bills be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. DODD. This legislation will be thoroughly scrutinized in committee hearings and later in floor debate. The opposition to it comprises one of the most formidable and effective lobbies in legislative history, and I speak for 4 years of rueful personal experience.

I assure my colleagues that every strategem the mind of men can devise against this bill, fair and unfair, will be pressed with crusading vigor.

No strength in it will go unscathed.

No weakness in it will remain undiscovered.

And I also give assurance that the case for these bills will be presented completely and, I hope, convincingly.

I believe that the press, the clergy, the many responsible elements in the arms industry, and public-spirited groups everywhere will help us to present this case.

Let me go back and briefly outline my position on the firearms problem.

I first introduced an amendment to the Federal Firearms Act on August 2, 1963, well before the tragic assassination of President Kennedy. The legislation was painstakingly built, brick by brick, on a foundation of 2½ years of investigation and study of the firearms problem in the United States.

The record which the subcommittee compiled contained all the documentation necessary for the Congress to consider a bill such as the one recommended by me. I endeavored to make that record clear, and I believe that I have done so. The existence of a mail-order gun problem was quite apparent to me and to the scores of witnesses who testified before the Juvenile Delinquency Subcommittee.

In my original proposal in 1963, I approached the problem in a moderate manner. My bill did not go as far as would the bill the President has recommended and which I introduce today. I took this approach because I thought that control over the traffic in concealable weapons would be sufficient at that time.

Subsequently, after the assassination of President Kennedy with a mail-order rifle, I amended my bill to include shotguns and rifles because I was convinced that no real control over the traffic in dangerous firearms could be effective without covering the so-called long guns.

However, the assassination was not my only reason for including all firearms in my bill. While this tragedy painfully dramatized the situation, evidence gathered by the subcommittee in its continuing investigation revealed that rifles and shotguns were, indeed, a major contributing factor to the crime explosion being experienced by this Nation.

Yet, as we all know, the blind, almost mindless, efforts of a segment of the gun enthusiasts, with their shabby, timeworn slogans, have, to date, been successful in defeating my efforts.

My reasonable legislative approach has not become law and the firearms problem in the land has worsened, almost by the hour.

Today, in these introductory remarks, I shall try only to answer three basic questions.

Is this a problem of sufficient scope to justify Federal controls?

Cannot State and local authorities do this job?

Will these Federal controls effectively solve the problem?

As for the scope of this problem, I need only say that in the year 1963, approximately 5,000 people were murdered with firearms.

Fourteen hundred were murdered with rifles and shotguns.

About 2,500 of these murders were committed with mail-order weapons.

Let me cite, at random, from my files, some individual aspects which should personalize the statistics and put flesh and bones on them for all of us.

As recently as January 30, 1965, a 15-year-old youngster from nearby Baltimore, shot and killed his father, mother, and sister with a foreign-made, 38-caliber revolver, which he has purchased from the gunrunner, Martin Retting, in Los Angeles, Calif.

As he was arrested, another gun was being delivered to him by Railway Express from the same gunrunner.

This is the same gunrunner who imported and sold the telescopic sight used by Lee Harvey Oswald to track and kill President Kennedy.

On February 4, 1965, a student at the University of California shot and killed his biology instructor with a foreign-made, Walther P-38 pistol, which he purchased from Hunter's Lodge, a mail-order gunrunner firm in Alexandria, Va.

I would cite the following recent reports of sniper murders and shootings in the subcommittee files. They have one thing in common. They involve boys in their middle teens and rifles that are available by mail order.

In New York City, a 16-year-old admitted wounding an 11-year-old boy with a mail-order type rifle in a sniper attack.

In New York State, a 16-year-old youngster shot a young bride with a mail-order type rifle.

Again, in New York State, two youngsters ages 14 and 17, are involved in the sniper shooting with a mail-order rifle of two elderly men.

In St. Louis, two youths are held by police in the rifle sniping of homes.

In Los Angeles, one youth is killed and another wounded by a rifleman armed with a mail-order type firearm.

I could go on, reading into the record page after page of these needless atrocities. But I have said enough to show that this is a vast problem, which involves every city and village and which potentially threatens the safety of any and every home in the land.

Can State and local authorities handle this job? No.

To any scholar who is looking for the classic situation that requires a full partnership between local and State and Federal governments, I recommend the problem of controlling the use of firearms.

Federal, State, and local governments must enact laws which are complementary, one to the other, as there must be a law to regulate every situation under which a gun can be obtained.

Local and State laws, however stringent, are mockeries if the purchaser can circumvent them secretly via the mail-order route.

And adequate Federal control over foreign imports and the interstate flow of weapons is robbed of half its effectiveness if there is no control over who may obtain weapons at the local gunshop.

This should be obvious to all but the simple-minded and the incorrigibly wrongheaded.

Allow me to sketch briefly the meaningless shambles to which local controls have been reduced by foreign imports and interstate mail-order sales.

During 1963 and 1964, almost 2½ million firearms were imported into the United States from England, Germany, France, Italy, and Spain.

This figure does not include the tens of thousands of ordnance-type firearms, including antitank guns.

Nor does it include the tens of thousands of weapons which have been imported as parts, components, or scrap metal.

When this colossal inventory of surplus foreign weapons is channeled to individual purchasers through the mail-order route in defiance or in indifference to local and State laws, the task of local authorities becomes insuperable.

These investigations conducted by the Juvenile Delinquency Subcommittee revealed that mail-order firearms have been sent to known criminals in cities all across the country.

Guns have been pouring into New York in circumvention of the well-known Sullivan law there.

In Pittsburgh, juveniles and convicted criminals are receiving mail-order weapons, despite the Uniform Firearms Act of the State of Pennsylvania.

Four thousand of Chicago's citizens, over a 3-year period, received weapons from just two mail-order dealers.

One thousand of them had criminal records. They were known felons who had been convicted for crime after crime.

In Los Angeles, many mail-order firearms have been confiscated from convicted felons who used them in the commission of armed robberies.

In September of 1964, the Federal Bureau of Investigation seized four Russian Army Tokarev semiautomatic rifles, which had been shipped into an area of high racial tension in Mississippi by one of our largest firearms importers. This was done right at the height of the tension there. We have one of those guns in our possession, which was found at the height of the very difficulty which Congress is now trying to settle peacefully. Members of the Ku Klux Klan obtained those guns from one of these gunrunning mail-order houses.

In December of 1964, we had the attempted shelling of the United Nations building by a German World War II mortar which was traced to a firm in New Jersey.

In October 1964, as a result of a feared assassination attempt on President

Johnson, a cache of automatic firearms, including foreign weapons, was seized by authorities near Corpus Christi, Tex.

In November of 1963 a Finnish antitank gun was taken from three youths in New Jersey who were discovered shelling nearby farm buildings which, thankfully, happened to be empty.

Some of the incidents are so bizarre and fantastic as to be almost comic, were if not for their grim harvest of death and destruction.

What can be said of a society which tolerates such caricatures of civilized conduct?

The best that can be said of it is that it is asleep; and it is our task to wake it up.

Let us start at the top, by fulfilling the Federal responsibility, through eliminating the mass dumping of foreign weapons here and through shutting off the mail-order traffic.

Then let us ask every community in this land to impose strict requirements on the local level.

Will any controls, and specifically these Federal controls, solve a problem of this nature?

Will not those who want guns manage to get them, whatever the law says?

Questions such as these are often raised against any attempt to clean up these abuses.

My answer is that we must start somewhere. We cannot surrender to anarchy.

The facts are on the side of those who believe that we can solve this problem.

Mr. President, I am not suggesting that if we enact these gun bills all crimes perpetrated with firearms will cease; but we can make a start, to make sure that dope addicts, the mentally deranged, convicted felons, and children, will not be allowed to buy rifles with which to shoot at their fellow citizens.

FBI information demonstrates that in those areas where firearms regulations are lax, the homicide rate by firearms is substantially higher than in those areas where there are more stringent controls.

In Dallas, Tex., and Phoenix, Ariz., where firearms regulations are practically nonexistent, the percentage of homicides committed by guns in 1963 was 72 percent in Dallas, and 65.9 percent in Phoenix.

In cities where there are strong regulations, we have the following figures: Chicago, 46.4 percent; Los Angeles, 43.5 percent; Detroit, 40 percent; and Philadelphia, 36 percent. And in New York City—which has been disparaged in many ways as being thought of by some as the center of crime in America—with its much-maligned Sullivan law, the rate of murder by gun was 25 percent. Thus, regulation has made a strong impact on this situation even though the uncontrolled interstate traffic makes it easy to evade the law.

We are asked now to close off the escape routes.

The proposed legislation I introduce today will do this effectively and in doing so will provide the basis for airtight local control as well.

It will wipe out all mail-order sales to individuals.

It will stop retail sales everywhere to juveniles under 21, except that sales of sporting rifles and shotguns could continue to persons over 18 years of age.

It will dry up the torrent of imported surplus weapons.

It will rigidly control the availability of bazookas, antitank guns, grenades, bombs, and other such deadly playthings now turning up regularly in American cities and towns.

At present, one can buy anything he wishes. He can cross the Potomac River and go into Alexandria. There is a company there which, if one wished to purchase an antitank gun, a mortar, a cannon, or a machinegun, he puts down the money and it will be available that afternoon. This kind of equipment is being bought and sold every day all over this land. There must be hundreds of thousands of those weapons in the possession of American citizens—many of whom should not be allowed to own even a cap pistol.

It will drive out the fly-by-night gun dealers and limit the field to responsible stable businessmen.

I endorse these measures fully and will do all that I can to hasten their passage.

Mr. President, my critics charge me with being antigun and antisport. I am not hostile to the use of guns. I am not indifferent to the problems of arms manufacturers and arms merchants.

I happen to own guns. I own rifles, guns, and handguns. I have done so for many years.

However, I believe that I know how to use them. I have been a hunter. I have hunted for years—not always successfully on many occassions, but I know how to hunt and I understand the use of weapons.

I have taught my four sons to become interested in the sport, and have shown them how to handle guns and to do so responsibly.

My State of Connecticut is a sportsman's State. The finest manufacturers of firearms are located in Connecticut. The Winchester rifle is made in Connecticut. The Remington rifle is made in Connecticut. The Colt pistol is made in Connecticut. Therefore, I have a great deal of interest in the firearms industry. The livelihood of thousands of people in my State of Connecticut depend upon the production and sale of firearms. I am not against them, or the work that they do. I am well aware of the fine contributions that the industry and its workers have made to our country in time of war. It has been a heroic contribution. I would do nothing to endanger their livelihood.

I know that the President shares this concern for the welfare of the legitimate gun industry and of sportsmen everywhere.

The laws which the President has proposed and which I introduce today seek to safeguard the legitimate use of weapons by outlawing the abuse of weapons.

So I ask that all who form a part of the arms industry, manufacturers, dealers, and users, join with us in this effort to surround the legitimate use of firearms with controls that are humane, sane, and civilized, that treat the possession of weapons as a high responsibility, and that regard human life as a sacred thing to be protected at all costs.

Mr. President, in view of the increasing evidence of the major role the firearm plays in our crime picture, and in view of the obvious success of strong gun controls, I urge my colleagues in the Senate to give high priority to moving this legislation on to the President's desk.

Mr. President, I ask unanimous consent that these bills may lie on the table for 1 week, so that those who wish to cosponsor the proposed legislation will have an opportunity to do so.

The PRESIDING OFFICER. The bills will be received and appropriately referred. The bills will also lie on the desk for 1 week, as suggested by the Senator from Connecticut.

The bills, introduced by Mr. DODD, were received, read twice by their titles, and referred, as indicated.

EXHIBIT 1

S. 1591. A bill to amend the National Firearms Act to impose special (occupational) taxes with respect to engaging in the business of importing, manufacturing, and dealing in destructive weapons such as bombs, grenades, rockets, missiles, bazookas, and anti-tank guns, to impose taxes with respect to the making and to the transfer of such weapons, and to increase the rates of special (occupational) tax, transfer tax, and making tax imposed by the act, and for other purposes; to the Committee on Finance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) Paragraph (1) of section 5848 of the Internal Revenue Code of 1954 is amended by inserting after "or a machinegun," the words "or a destructive device,".

(b) Paragraph (2) of section 5848 of the Internal Revenue Code of 1954 is amended by inserting after the words "or is designed to shoot," the words "or which can readily be restored to shoot," and by striking out the period at the end thereof, and inserting after the word "trigger" the words ", and shall include (A) the frame or receiver of any such weapon, and (B) any combination of parts designed and intended for use in converting a weapon, other than a machinegun, into a machinegun".

(c) Section 5848 of the Internal Revenue Code of 1954 is amended by renumbering paragraphs (3), (4), (5), (6), (7), (8), (9), (10), and (11) as pargaraphs (4), (5), (6), (7), (8), (9), (10), (11), and (12) respectively, and by inserting after paragraph (2) a new paragraph (3) as follows:

"(3) The term 'destructive device' means any explosive or incendiary (a) bomb or (b) grenade or (c) rocket or (d) missile or (e) similar device, or launching device therefor (except a device which is not designed or redesigned or used or intended for use as a weapon or part thereof); and the term shall also include any type of weapon by whatsoever name known (other than a shotgun having a barrel or barrels of eighteen or more inches in length), which will, or which is designed to, or which may be readily converted to, expel a projectile or projectiles by the action of an explosive, the barrel or barrels of which have a bore of one-half inch or more in diameter: *Provided,* That, the Secretary or his delegate may exclude from this definition any device which he finds is not likely to be used as a weapon."

(d) Paragraph (4) of section 5848 of the Internal Revenue Code of 1954 (as renumbered) is amended by striking out the period at the end thereof and inserting the word ", and shall include the frame or receiver of any such weapon, and any such weapon

which can readily be restored to firing condition."

(e) Paragraph (5) of section 5848 of the Internal Revenue Code of 1954 (as renumbered) is amended by striking out the period at the end thereof and inserting the word ", and shall include the frame or receiver of any such weapon, and any such weapon which can readily be restored to firing condition."

SEC. 2. Wherever in chapter 53 of the Internal Revenue Code of 1954 a tax is imposed, the rate of such tax shall be twice the rate in effect on the day before the day this Act takes effect. However, as to the special taxes imposed under section 5801 of such Code, the increased rates shall not take effect until the first day of July following the date of enactment of this Act.

SEC. 3. (a) Subsection (a) of section 5814 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new sentence: "At the same time that a person forwards a copy of the order form to the Secretary or his delegate as required under subsection (b), he shall forward a copy of the order form to the principal law enforcement officer of the locality wherein he resides."

(b) Subsection (a) of section 5814 of the Internal Revenue Code of 1954 is amended by striking out the words "in duplicate" and inserting in lieu thereof the words "in triplicate".

(c) Subsection (e) of section 5821 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new sentence: "At the same time that the person making the declaration forwards the declaration to the Secretary or his delegate, he shall forward a copy thereof to the principal law enforcement officer of the locality wherein he resides."

(d) Section 5843 of the Internal Revenue Code of 1954 is amended by inserting at the end thereof the following sentence:

"If a firearm (possessed by a person other than an importer or manufacturer) does not bear the proper identification, the possessor thereof shall identify the firearm with such number and other identification marks as may be designated by the Secretary or his delegate, in a manner approved by the Secretary or his delegate."

SEC. 4. (a) Subchapter B of chapter 53 of the Internal Revenue Code of 1954 is amended by adding at the end thereof a new section 5850 as follows:

"SEC. 5850. Mutual Security Act of 1954.—Nothing in this chapter shall be construed as modifying or affecting the requirements of section 414 of the Mutual Security Act of 1954, as amended, with respect to the manufacture, exportation, and importation of arms, ammunition, and implements of war."

(b) The table of sections in subchapter B of chapter 53 of the Internal Revenue Code of 1954 is amended by adding at the end thereof:

"Sec. 5850. Mutual Security Act of 1954."

SEC. 5. (a) The proviso in paragraph (3) of subsection (a) of section 5801 of the Internal Revenue Code of 1954 is amended by striking out the words "under section 5848(5)" and inserting in lieu thereof the words "under section 5848(6)".

(b) The proviso in subsection (a) of section 5811 of the Internal Revenue Code of 1954 is amended by striking out the words "under section 5848(5)" and inserting in lieu thereof the words "under section 5848(6)".

SEC. 6. (a) This Act shall take effect on the first day of the second month following the month in which it is enacted.

(b) Notwithstanding the provisions of subsection (a), any person required to register a firearm under the provisions of section 5841 of the Internal Revenue Code of 1954 by reason of the amendments to section 5848 of such Code contained in the first section of this Act, shall have 30 days from the effective date of this Act to register such firearm, and no liability (criminal or otherwise) shall be incurred in respect to failure to so register under such section prior to the expiration of such 30 days.

The analysis of Senate bill 1591, presented by Mr. DODD, is as follows:

EXPLANATION OF BILL TO AMEND THE NATIONAL FIREARMS ACT

Under the bill, the scope of the National Firearms Act (which now covers gangster-type weapons such as machineguns, sawed-off shotguns, and deceptive weapons such as flashlight guns, fountain pen guns, etc.) would be broadened to include destructive devices such as explosive or incendiary (1) bombs, (2) grenades, (3) rockets, (4) missiles, or (5) similar weapons, as well as large caliber weapons such as mortars, antitank guns, bazookas, etc. This would mean that such weapons would be subject to all provisions of the act and that persons engaging in business as importers, manufacturers, and dealers in such weapons would be required to register and pay special (occupational) tax. Also, the taxes applicable in respect of the making and transfer of weapons such as machineguns would be applicable with respect to the making and transfer of such destructive devices. Also, it would be unlawful for a person to possess a destructive device of this character unless such device was registered with the Secretary of the Treasury.

The bill would also increase to twice the present rate all of the rates of tax in the National Firearms Act (ch. 53 of the Internal Revenue Code of 1954). The principal rates have not been changed since the original enactment of the act in 1934. Therefore, it is necessary to increase the rates in order to carry out the purposes of the act.

In addition, the bill contains certain additional strengthening and clarifying amendments to the National Firearms Act.

SECTION-BY-SECTION ANALYSIS

Section 1: This section would amend section 5848 of the Internal Revenue Code of 1954 which is the section of the National Firearms Act containing the definition of the weapons subject to the act (ch. 53 of the Internal Revenue Code as cited as the National Firearms Act).

Paragraph (a): Paragraph (a) of section 1 would amend paragraph (1) of section 5848 of the Internal Revenue Code of 1954 to include destructive devices within the term "firearms", as used in the National Firearms Act. The effect of this is to make the provisions of the act applicable to a "destructive device" as that term is defined in paragraph (c) of section 1 of the draft bill.

Paragraph (b): Paragraph (b) of section 1 would amend paragraph (2) of section 5848 of the Internal Revenue Code of 1954 (which is the definition of "machinegun" contained in the National Firearms Act) to include any weapon "which can readily be restored to shoot" automatically or semiautomatically (more than one shot), without manual reloading, by a single function of the trigger. This is merely a clarification of the law and represents the administrative construction of existing law.

The definition of machinegun would be further amended to include "the frame or receiver" of a machinegun. Under the Federal Firearms Act, the frame or receiver of a firearm is included within the definition of a firearm. This change would bring the frame or receiver of a machinegun within the coverage of the National Firearms Act.

The definition of machinegun is further amended to include "any combination of parts designed and intended for use in converting a weapon, other than a machinegun, into a machinegun." For example, so-called conversion kits are now made and sold for the purpose of converting certain rifles so that they will fire automatically or semiautomatically more than one shot, without manual reloading, by a single function of the trigger (i.e., converting such rifles into machineguns). However, under existing law, there is no effective way to control the manufacture and transfer of such kits. This change is designed to correct this situation and to prevent subversion of the purposes of the act.

Paragraph (c): Paragraph (c) of section 1 provides for the renumbering of paragraphs (3) through (11) as paragraphs (4) through (12), respectively, of section 5848 of the Internal Revenue Code of 1954, and for the insertion after paragraph (2) of such section of the Code of 1954, and for the insertion after paragraph (2) of such section of the code of a new paragraph (3). The new paragraph (3) would insert a definition of the term "destructive device".

The definition of the term "destructive device" contained in paragraph (3) of section 5848 of the Internal Revenue Code of 1954, as contained in the bill is a new provision. It would bring under the coverage of the National Firearms Act any explosive or incendiary (a) grenade or (b) bomb or (c) rocket or (d) missile or (e) similar weapon, or launching device therefor (except devices which are not designed or redesigned or used or intended for use as a weapon), and would include all large caliber weapons such as bazookas, mortars, antitank guns, etc.

The parenthetical exception contained in this definition is drafted in the same manner as the exceptions contained in title 26, United States Code, section 5179(a) (relating to registration of stills) and section 5205(a)(2) (relating to stamps on containers of distilled spirits). Therefore, the decisions of the courts (*Queen* v. *United States*, 77 F. 2d 780; cert. den. 295 U.S. 755; and *Scherr* v. *United States*, 305 U.S. 251) to the effect that the Government is not required to allege or prove the matter contained in an exception would be applicable. Establishment by a person that he came within the exception would be a matter of affirmative defense. Thus, an explosive device shown to be designed and intended for lawful use in construction or for other industrial purposes would be excepted. However, if the device were designed or used or intended for use as a weapon, it would be subject to the provisions of the act.

A provision has been made in this definition that the Secretary may exclude from the definition any device which he finds is not likely to be used as a weapon. Examples of devices which may be excluded from this definition are devices such as Very pistols and other signaling devices and line-throwing appliances (required for commercial vessels by U.S. Coast Guard regulations) which may have been made from converted firearms. This provision also makes it possible to deal with any other comparable situation which may arise, such as old cannon or field pieces which are primarily of historical significance and with respect to which there is no reasonable likelihood that they will be used as weapons.

Paragraph (d): Paragraph (d) of section 1 would amend paragraph (4) (as renumbered) of section 5848 of the Internal Revenue Code of 1954 by striking out the period at the end thereof and inserting the words ", and shall include the frame or receiver of any such weapon, and any such weapon which can readily be restored to firing condition." The effect of this change is to include the frame or receiver of a rifle within the definition of that term as used in the National Firearms Act. This change is comparable to the corresponding change in the definition of "machinegun" contained in

paragraph (b) of this section. The inclusion in the definition of the language ", and any such weapon which can readily be restored to firing condition" represents a clarification of law and is consistent with the administrative construction of existing law.

Paragraph (e): Paragraph (e) of section 1 would amend paragraph (5) (as renumbered) of section 5848 of the Internal Revenue Code of 1954. This paragraph contains the definition of the term "shotgun" and the change is identical with the change made with respect to the definition of "rifle" referred to in paragraph (d) above.

Section 2: Section 2 would amend chapter 53 of the Internal Revenue Code of 1954 by providing that, "Wherever in such chapter a tax is imposed, the rate of tax shall be twice the rate in effect on the day before the day this act takes effect."

However, as to the special (occupational) taxes imposed under section 5801 of the Internal Revenue Code of 1954, the increased rates would not take effect until the first day of July following the date of enactment.

The effect of this section would be:

1. To increase the special (occupational) tax imposed under section 5801(a)(1) in respect of importers or manufacturers from $500 a year or fraction thereof to $1,000 a year or fraction thereof;

2. To increase the special (occupational) tax imposed under section 5801(a)(2) in respect of dealers (other than pawnbrokers) from $200 a year or fraction thereof, to $400 a year or fraction thereof;

3. To increase the tax imposed under section 5801(a)(3) in respect of pawnbroker dealers from $300 a year or fraction thereof to $600 a year or fraction thereof;

4. To increase the special (occupational) tax imposed under section 5801(a)(3) in respect to manufacturers and dealers in guns classified as "any other weapon" and certain guns with combination shotgun and rifle barrels from $25 a year or fraction thereof in the case of manufacturers to $50 a year or fraction thereof, and with respect to dealers from $10 a year or fraction thereof to $20 a year or fraction thereof;

5. To increase the transfer tax levied under section 5811(a) on the transfer of machine-guns, sawed-off shotguns, destructive devices, etc., from $200 for each such weapon transferred in the United States to $400 for each such weapon so transferred;

6. To increase the transfer tax levied under section 5811(a) on the transfer of "any other weapon" and certain guns with combination shotgun and rifle barrels from $5 for each firearm transferred in the United States to $10 for each such weapon so transferred; and

7. To increase the tax imposed under section 5821(a) on the making of any firearm subject to the National Firearms Act (by persons other than those excepted from the making tax) from $200 for each firearm so made to $400 for each firearm.

It should be noted that section 2 would in no way effect exemptions and exceptions contained in the National Firearms Act with respect to these taxes. (See secs. 5803, 5812, and 5821(b) in this regard.)

The principal rates have not changed since the original enactment of the National Firearms Act in 1934. It is deemed necessary to increase the rates of tax imposed in the National Firearms Act in order to more effectively carry out the purposes of the act.

Section 3: Paragraph (a) of section 3 would amend subsection (a) of section 5814 of the Internal Revenue Code of 1954 by adding at the end thereof a new sentence which would provide that at the same time a person forwards a copy of the order form regarding transfer of a firearm to the Secretary or his delegate, as required by subsection (b) of section 5814, he shall forward a copy of the order form to the principal law enforcement officer of the locality wherein he resides. This is intended as an additional requirement and not as a substitute for existing procedures regarding verification of the identity of the applicant.

Paragraph (b) of section 3 is a conforming change relating to the amendment contained in paragraph 3(a) and relates to the number of copies of the order form.

Paragraph (c) of section 3 would amend subsection (e) of section 5821 of the Internal Revenue Code of 1954 by adding at the end thereof a new sentence providing that at the same time a person making the declaration in respect of making a firearms forwards the declaration to the Secretary or his delegate, he shall forward a copy thereof to the principal law enforcement officer of the locality wherein he resides. This provision is intended to be in addition to any other existing procedures, and not as a substitute for the procedures requiring verification of the identity of the person making the declaration.

Paragraph (d) of section 3 would amend section 5843 of the Internal Revenue Code of 1954 (which relates to the identification of firearms) by inserting at the end thereof a new sentence. This provision is intended to provide for the identification of a firearm (possessed by a person other than a manufacturer or importer) which does not bear the proper identification.

Section 4: Section 4 of the bill would add a new section 5850 to subchapter B of chapter 53 of the Internal Revenue Code of 1954 which would provide that "Nothing in this chapter shall be construed as modifying or affecting the requirements of section 414 of the Mutual Security Act of 1954, as amended, with respect to the manufacture, exportation, and importation of arms, ammunition, and implements of war."

This provision is merely for the purpose of assuring that the chapter will be so construed.

Section 5: Section 5 of the bill contains technical conforming changes with respect to sections 5801 and 5811 of the Internal Revenue Code of 1954 made necessary by reason of the renumbering of the paragraph containing the definition of "any other weapon" in section 5848 of the Internal Revenue Code of 1954.

Section 6: This section contains the effective date provisions.

Subsection (a): This subsection provides that this act shall take effect on the first day of the second month following the month it is enacted.

Subsection (b): This subsection provides that, notwithstanding the provisions of subsection (a), any person required to register a firearm under the provisions of section 5841 of the Internal Revenue Code of 1954, by reason of the amendments to section 5848 of such code contained in the first section of this act shall have 30 days from the effective date of this act to register such firearms, and that no liability (criminal or otherwise) shall be incurred in respect to failure to so register under such section prior to the expiration of such 30 days. This provision is necessary so that a person who possesses a firearm which is brought under this coverage of the National Firearms Act, by reason of the amendments to such act which are contained in the first section of the bill, will be afforded a reasonable opportunity to comply with the registration requirements contained in section 5841 of the Internal Revenue Code of 1954. However, full compliance with all other provisions of the National Firearms Act, as amended by this bill, would be required commencing on the effective date provided in subsection (a). For example, the provisions relating to the making of a firearm, to the transfer of a firearm, and to the importation of a firearm would be fully effective as of the date specified in subsection (a).

S. 1592. A bill to amend the Federal Firearms Act; to the Committee on the Judiciary.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Federal Firearms Act (52 Stat. 1250) is amended to read as follows:

"SEC. 1. DEFINITIONS. As used in this Act—

"(1) The term 'person' includes an individual, partnership, association, or corporation.

"(2) The term 'interstate or foreign commerce' means commerce between any State or possession (not including the Canal Zone) and any place outside thereof; or between points within the same State or possession (not including the Canal Zone), but through any place outside thereof; or within any possession or the District of Columbia. The term 'State' shall include the Commonwealth of Puerto Rico, the Virgin Islands, and the District of Columbia.

"(3) The term 'firearm' means any weapon, by whatsoever name known, which will, or is designed to, or which may be readily converted to, expel a projectile or projectiles by the action of an explosive; the frame or receiver of any such weapon; or any firearm muffler or firearm silencer; or any destructive device.

"(4) The term 'destructive device' means any explosive or incendiary (a) bomb or (b) grenade or (c) rocket or (d) missile or (e) similar device, or launching device therefor (except a device which is not designed or redesigned or used or intended for use as a weapon or part thereof); and the term shall also include any type of weapon by whatsoever name known (other than a shotgun having a barrel or barrels of eighteen or more inches in length), which will, or which is designed to, or which may be readily converted to, expel a projectile or projectiles by the action of an explosive, the barrel or barrels of which have a bore of one-half inch or more in diameter: *Provided,* That the Secretary may exclude from this definition any device which he finds is not likely to be used as a weapon.

"(5) The term 'short-barreled shotgun' means a shotgun having a barrel or barrels of less than eighteen inches in length and any weapon made from a shotgun (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than twenty-six inches.

"(6) The term 'short-barreled rifle' means a rifle having a barrel or barrels of less than sixteen inches in length, and any weapon made from a rifle (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than twenty-six inches.

"(7) The term "importer" means any person engaged in the business of importing or bringing firearms or ammunition into the United States for purposes of sale or distribution; and the term 'licensed importer' means any such person licensed under the provisions of this Act.

"(8) The term 'manufacturer' means any person engaged in the manufacture of firearms or ammunition for purposes of sale or distribution; and the term 'licensed manufacturer' means any such person licensed under the provisions of this Act.

"(9) The term 'dealer' means (a) any person engaged in the business of selling firearms or ammunition at wholesale or retail, (b) any person engaged in the business of repairing such firearms or of making or fitting special barrels, stocks, or trigger mechanisms to firearms, or (c) any person who is a pawnbroker. The term 'licensed dealer' means any dealer who is licensed under the provisions of this Act.

"(10) The term 'pawnbroker' means any person whose business or occupation includes the taking or receiving, by way of pledge or pawn, of any firearm or ammunition as

security for the payment or repayment of money.

"(11) The term 'indictment' includes an indictment or an information in any court of the United States or of any State or possession under which a crime punishable by imprisonment for a term exceeding one year may be prosecuted.

"(12) The term 'fugitive from justice' means any person who has fled from any State or possession (a) to avoid prosecution for a crime punishable by imprisonment for a term exceeding one year, or (b) to avoid giving testimony in any criminal proceeding.

"(13) The term 'crime punishable by imprisonment for a term exceeding one year' shall not include any Federal or State offenses pertaining to anti-trust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices as the Secretary may by regulation designate.

"(14) The term 'Secretary' or 'Secretary of the Treasury' means the Secretary of the Treasury or his delegate.

"(15) The term 'ammunition' means pistol or revolver ammunition, ammunition for a destructive devise, and ammunition for a machinegun or rifle."

SEC. 2. Section 2 of the Federal Firearms Act is amended to read as follows:

"SEC. 2. UNLAWFUL ACTS. (a) It shall be unlawful for any person (except an importer, manufacturer, or dealer, licensed under the provisions of this Act) to transport, ship, or receive any firearms in interstate or foreign commerce, except—

"(1) That in the case of a shotgun or rifle (other than a short-barreled shotgun or short-barreled rifle) nothing in this subsection shall be held to preclude an individual traveling in interstate or foreign commerce from transporting such shotgun or rifle (or having such shotgun or rifle transported for him under such conditions as the Secretary shall by regulations prescribe), if such transportation is for a lawful purpose.

"(2) That in the case of a pistol or revolver, nothing in this subsection shall be held to preclude an individual traveling in interstate or foreign commerce from transporting a pistol or revolver, possessed and carried in conformity with the law of each particular State into (or through) which the pistol or revolver is transported (or having the pistol or revolver transported for him under such conditions as the Secretary or his delegate shall by regulations prescribe), if (A) the transportation is for a lawful purpose not including sale or other disposition thereof, and (B) such individual did not acquire the pistol or revolver in the course of such traveling in interstate or foreign commerce.

"(3) That in the case of a shotgun or rifle (other than a short-barreled shotgun or short-barreled rifle) or a pistol or revolver, nothing in this subsection shall be held to preclude a person from shipping such a firearm to a licensed importer, licensed manufacturer, or licensed dealer for authorized service and the return of such firearm to the sender under such conditions as the Secretary shall by regulations prescribe.

"(4) That nothing in this subsection shall be construed as making unlawful the shipping or transporting of a firearm in interstate or foreign commerce, by a common or contract carrier in the operation of his business or by United States mail, to a licensed importer, licensed manufacturer, or licensed dealer (or such transportation as is otherwise authorized under this Act).

"(5) That nothing in this subsection shall be construed as applying in any manner in the District of Columbia, the Commonwealth of Puerto Rico, or any possession of the United States differently than it would apply if the District of Columbia, the Commonwealth of Puerto Rico, or the possession were a State of the United States.

"(b) It shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer to sell or otherwise dispose of any firearm to any person—

"(1) Without following the required procedures for ascertaining (in such a manner as the Secretary shall by regulations prescribe) the identity and place of residence (or business in the case of a corporation or other business entity) of such person; or

"(2) Who (in the case of an individual) is under 21 years of age (except for a shotgun or rifle), and under 18 years of age in the case of a shotgun or rifle; or

"(3) Who he knows or has reasonable cause to believe is not a resident of (or in the case of a corporation or other business entity, who does not have a place of business in) the State in which the importer's, manufacturer's, or dealer's place of business is located; except that this paragraph shall not apply in the case of a shotgun or rifle (other than a short-barreled shotgun or short-barreled rifle); or

"(4) Who by reason of any State or local law, regulation, or ordinance applicable at the place of sale or other disposition may not lawfully receive or possess such firearm."

This subsection shall not apply in the case of transactions between licensed importers, licensed manufacturers, and licensed dealers.

"(c) It shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer to sell or otherwise dispose of any firearm or ammunition to any person (other than a licensee) knowing or having reasonable cause to believe that such person is under indictment or has been convicted in any court of the United States or of any State or possession of a crime punishable by imprisonment for a term exceeding one year or is a fugitive from justice; or to ship or transport any firearm in interstate or foreign commerce to any person who may not lawfully receive such firearm under subsection (a).

"(d) It shall be unlawful for any person who is under indictment or who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year, or who is a fugitive from justice, to ship, transport, or cause to be shipped or transported, any firearm or ammunition in interstate or foreign commerce.

"(e) It shall be unlawful for any person who is under indictment or who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year, or is a fugitive from justice, to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

"(f) It shall be unlawful for any person knowingly to deposit, or cause to be deposited for mailing or delivery by mail, or knowingly to deliver, or cause to be delivered, to any common or contract carrier for transportation or shipment in interstate or foreign commerce, any package or other container in which there is any firearm, without written notice to the Postmaster General or his delegate or to the carrier (as the case may be) that a firearm is being transported or shipped.

"(g) It shall be unlawful for any common or contract carrier to deliver, or cause to be delivered, in interstate or foreign commerce, any firearm to any person who does not exhibit or produce evidence of a license obtained under section 3 of this Act or who is not exempted by section 4 from the provisions of this Act (except a firearm transported under regulations prescribed under section 2(a) (1), (2), or (3) of this Act).

"(h) It shall be unlawful for any person to transport or ship, or cause to be transported or shipped, in interstate or foreign commerce, any stolen firearm, or stolen ammunition knowing, or having reasonable cause to believe, same to have been stolen.

"(i) It shall be unlawful for any person to receive, conceal, store, barter, sell, or dispose of any stolen firearm or stolen ammunition or pledge or accept as security for a loan any stolen firearm or stolen ammunition, moving as, or which is a part of, or which constitutes interstate or foreign commerce, knowing, or having reasonable cause to believe, the same to have been stolen.

"(j) It shall be unlawful for any person to transport, ship, or knowingly receive, in interstate or foreign commerce, any firearm from which the importer's or manufacturer's serial number, as the case may be, has been removed, obliterated, or altered.

"(k) It shall be unlawful for any person to import or bring into the United States or any possession thereof any firearm in violation of the provisions of this Act, or to import or bring into the United States or any possession thereof any ammunition for a destructive device.

"(l) It shall be unlawful for any person to knowingly receive any firearm or ammunition which has been imported or brought into the United States or any possession thereof in violation of the provisions of this Act."

SEC. 3. Section 3 of the Federal Firearms Act is amended to read as follows:

"SEC. 3. (a) No person shall engage in business as a firearms or ammunition importer, manufacturer, or dealer until he has filed an application with, and received a license to do so from, the Secretary. The application shall be in such form and contain such information as the Secretary shall by regulations prescribe. Each applicant shall be required to pay a fee for obtaining such license (for each place of business) as follows:

"(1) If a manufacturer—

"(A) of destructive devices, a fee of $1,000 per annum.

"(B) of firearms (other than destructive devices), a fee of $500 per annum.

"(2) If an importer—

"(A) of destructive devices, a fee of $1,000 per annum.

"(B) of firearms (other than destructive devices), a fee of $500 per annum.

"(3) If a dealer—

"(A) in destructive devices, a fee of $1,000 per annum.

"(B) who is a pawnbroker (dealing in firearms other than destructive devices), a fee of $250 per annum.

"(c) in firearms (other than as described in subparagraphs (A) or (B)), a fee of $100 per annum.

The fee for an importer or manufacturer of, or a dealer in, ammunition for a destructive device shall be the same as for an importer or manufacturer of, or a dealer in destructive devices, and the fee for an importer or manufacturer of, or a dealer in other firearms ammunition shall be the same as for an importer or manufacturer of or a dealer in such firearms. However, a person who has obtained a license covering firearms shall not be required to obtain an additional license with respect to ammunition.

"(b) Upon filing by an applicant of the prescribed application and payment of the prescribed fee, the Secretary shall (except as provided in subsection (c)), issue to such applicant the license applied for, which shall, subject to the provisions of this Act and other applicable provisions of law, entitle the licensee to transport, ship, and receive firearms and ammunition covered by such license in interstate or foreign commerce during the period stated in the license.

"(c) Any application submitted under subsections (a) and (b) of this section shall be disapproved and the license denied if the Secretary, after notice and opportunity for hearing, finds that—

"(1) The applicant is under 21 years of age, or

"(2) The applicant (including in the case of a corporation, partnership, or association, any individual possessing directly or indirectly, the power to direct or cause the direction of the management and policies of the corporation, partnership, or association) is prohibited from transporting, shipping, or receiving firearms or ammunition in interstate or foreign commerce under the provisions of subsection (d) or (e) of section 2 of this Act; or is, by reason of his business experience, financial standing, or trade connections, not likely to maintain operations in compliance with this Act, or

"(3) The applicant has willfully violated any of the provisions of this Act or the regulations issued thereunder, or

"(4) The applicant has willfully failed to disclose any material information required, or made any false statement as to any material fact, in connection with his application, or

"(5) The applicant does not have, or does not intend to have or to maintain, in a State or possession, business premises for the conduct of the business.

"(d) The provisions of section 2(d) and (e) of this Act shall not apply in the case of a licensed importer, licensed manufacturer, or licensed dealer who is indicted for a crime punishable by imprisonment for a term exceeding one year. A licensed importer, licensed manufacturer, or licensed dealer may continue operations, pursuant to his existing license (provided that prior to the expiration of the term of the existing license timely application is made for a new license), during the term of such indictment and until any conviction pursuant to the indictment becomes final, whereupon he shall be fully subject to all provisions of this Act and operations pursuant to such license shall be discontinued (unless an application for relief has been filed under section 6).

"(e) No person shall import or bring any firearm into the United States or any possession thereof, except that the Secretary may authorize a firearm to be imported or brought in if the person importing or bringing in the firearm established to the satisfaction of the Secretary that the firearm—

"(1) Is being imported or brought in for scientific or research purposes, or is for use in connection with competition or training pursuant to chapter 401 of title 10 of the United States Code; or

"(2) Is (A) an antique, or (B) an unserviceable firearm (not readily restorable to firing condition), imported or brought in as a curio or museum piece; or

"(3) Is of a type and quality generally recognized as particularly suitable for lawful sporting purposes and is not a surplus military weapon and that the importation or bringing in of the firearm would not be contrary to the public interest; or

"(4) Was previously taken out of the United States or a possession by the person who is bringing in the firearm.

"*Provided*, That the Secretary may permit the conditional importation or bringing in of a firearm for examination and testing in connection with the making of a determination as to whether the importation or bringing in of such firearm will be allowed under this subsection.

"(f) No licensed importer, licensed manufacturer, or licensed dealer shall sell or otherwise dispose of a destructive device, a machine gun (as defined in section 5848 of the Internal Revenue Code of 1954), a short-barreled shotgun, or a short-barreled rifle, to a non-licensee unless he has in his possession a sworn statement executed by the principal law enforcement officer of the locality wherein the purchaser or person to whom it is otherwise disposed of resides, attesting that there is no provision of law, regulation, or ordinance which would be violated by such person's receipt or possession thereof and that he is satisfied that it is intended by such person for lawful purposes. Such sworn statement shall be retained by the licensee as a part of the records required to be kept under subsection (g).

"(g) Each licensed importer, licensed manufacturer, and licensed dealer shall maintain such records of importation, production, shipment, receipt, and sale and other disposition, of firearms and ammunition at such place, for such period and in such form as the Secretary may by regulations prescribe. Such importers, manufacturers, and dealers shall make such records available for inspection at all reasonable times, and shall submit to the Secretary such reports and information with respect to such records and the contents thereof as he shall by regulations prescribe. The Secretary or his delegate may enter during business hours the premises (including places of storage) of any firearms or ammunition importer, manufacturer, or dealer for the purpose of inspecting or examining any records or documents required to be kept by such importer or manufacturer or dealer under the provisions of this Act or regulations issued pursuant thereto, and any firearms or ammunition kept or stored by such importer, manufacturer, or dealer at such premises. Upon the request of any State or possession or political subdivision thereof, the Secretary of the Treasury may make available to such State, or possession, or any political subdivision thereof, any information which he may possess or which he may obtain by reason of the provisions of this Act with respect to the identification of persons within such State, or possession, or political subdivision thereof, who have purchased or received firearms or ammunition, together with a description of the firearms or ammunition so purchased or received.

"(h) Licenses issued under the provisions of subsection (c) of this section shall be kept posted and kept available for inspection on the business premises covered by the license.

"(i) Licensed importers and licensed manufacturers shall identify (or cause to be identified), in such manner as the Secretary shall by regulations prescribe, each firearm imported or manufactured by such importer or manufacturer."

SEC. 4. Section 4 of the Federal Firearms Act is amended to read as follows:

"SEC. 4. EXCEPTIONS TO APPLICABILITY OF THE ACT.

"The provisions of this Act shall not apply with respect to the transportation, shipment, receipt, or importation of any firearms or ammunition imported for, or sold or shipped to, or issued for the use of (1) the United States or any department, independent establishment, or agency thereof; or (2) any State, or possession, or any department, independent establishment, agency, or any political subdivision thereof."

SEC. 5. Subsection (b) of section 5 of the Federal Firearms Act is amended to read as follows:

"(b) Any firearm or ammunition involved in, or used or intended to be used in, any violation of the provisions of this Act, or any rules or regulations promulgated thereunder, or any violation of the provisions of title 18 United States Code, sections 111, 112, 372, 871, or 1114, shall be subject to seizure and forfeiture and all provisions of the Internal Revenue Code of 1954 relating to the seizure, forefeiture, and disposition of firearms, as defined in section 5848(1) of said Code, shall, so far as applicable, extend to seizures and forfeitures under the provisions of this Act."

SEC. 6. The Federal Firearms Act is amended by renumbering sections 6, 7, 8, and 9 as sections 8, 9, 10, and 11, respectively, and inserting after section 5 the following new sections:

"SEC. 6. RELIEF OF CONVICTED PERSONS UNDER CERTAIN CONDITIONS.

"A person who has been convicted of a crime punishable by imprisonment for a term exceeding one year (other than a crime involving the use of a firearm or other weapon or a violation of this Act or of the National Firearms Act) may make application to the Secretary for relief from the disabilities under the Act incurred by reason of such conviction, and the Secretary may grant such relief if it is established to his satisfaction that the circumstances regarding the conviction, and the applicant's record and reputation are such that the applicant will not be likely to conduct his operations in an unlawful manner, and that the granting of the relief would not be contrary to the public interest. A licensee conducting operations under the Act, who makes application for relief from the disabilities incurred under the Act by reason of such a conviction, shall not be barred by such conviction from further operations under his license pending final action on an application for relief filed pursuant to this section."

"SEC. 7. APPLICABILITY OF OTHER LAWS.

"(a) Nothing in this Act shall be construed as modifying or affecting any provision of—

"(1) The National Firearms Act (Chapter 53 of the Internal Revenue Code of 1954); or

"(2) Section 414 of the Mutual Security Act of 1954, as amended (section 1934 of title 22 of the United States Code (relating to munitions control)); or

"(3) Section 1715 of title 18 of the United States Code (relating to nonmailable firearms).

"(b) Nothing in this Act shall confer any right or privilege to conduct any business contrary to the law of any State, or be construed as relieving any person from compliance with the law of any State."

SEC. 7. The amendments made by this Act shall become effective on the date of the enactment of this Act; except that the amendments made by section 3 of this Act to section 3(a) of the Federal Firearms Act shall not apply to any importer, manufacturer, or dealer licensed under the Federal Firearms Act on the date of the enactment of this Act until the expiration of the license held by such importer, manufacturer, or dealer on such date.

The explanation of Senate bill 1592, presented by Mr. DODD is as follows:

EXPLANATION OF BILL TO AMEND THE FEDERAL FIREARMS ACT

The bill is a general revision of the Federal Firearms Act, designed to more effectively control interstate and foreign commerce in firearms. The bill adheres to and furthers the principle inherent in the present act that interstate and foreign commerce in firearms be controlled at the Federal level under the commerce power in a manner which will enable the States to control more effectively the traffic within their own borders under their own police power.

The bill would, in general, make it illegal to transport, ship, or receive firearms in interstate or foreign commerce, except as between licensed importers, licensed manufacturers, or licensed dealers, or between such licensees and persons excepted from the application of the Federal Firearms Act by section 4 of that act (e.g., agencies of the Federal and State governments). Thus, under the bill, the so-called interstate mail-order traffic in firearms, whereby an individual can order a gun to be shipped from a mail-order dealer in another State, would be completely terminated.

Further, all sales by federally licensed importers, federally licensed manufacturers,

and federally licensed dealers of shotguns and rifles to persons under 18 years of age, and of all other types of firearms to persons under 21 years of age, would be prohibited.

The bill is also designed to eliminate the serious abuses of the Federal Firearms Act license system inherent in the nominal license fee and weak qualifying requirement provisions of existing law, and to assure that persons licensed under the act are bona fidely engaged in the business and are of good repute.

The bill would curb the flow of imports of surplus military weapons, and certain other firearms which are not particularly suitable for lawful sporting purposes.

Further, the bill would bring under strict Federal control interstate and foreign commerce in large caliber weapons such as bazookas, mortars, antitank guns, etc., and destructive devices such as explosive or incendiary (a) grenades or (b) bombs or (c) missiles or (d) rockets or (e) similar weapons.

SECTION-BY-SECTION ANALYSIS

Section 1: This section would restate and amend section 1 of the Federal Firearms Act (52 Stat. 1250) which contains the definition of the meaning of certain terms used in the act.

The definition of the term "person" in paragraph (1) is existing law (15 U.S.C. 901 (1)).

The definition of the term "interstate or foreign commerce" is a restatement of existing law (15 U.S.C. 901(a)). "Territory" is omitted since there is no "territory" at the present time. The last sentence of this definition is inserted to clarify the status of the Act in Puerto Rico, the Virgin Islands, and the District of Columbia.

The definition of the term "firearm" in paragraph (3) is a restatement and revision of the provisions of existing law (15 U.S.C. 901(3)). The revised definition has been extended to include any weapon by whatsoever name known "which will," or "which may be readily converted to," expel a projectile or projectiles by the action of an explosive. This represents a much needed clarification and strengthening of existing law designed to prevent circumvention of the purposes of the act. As under existing law, the definition also includes weapons "designed to" expel a projectile or projectiles by the action of an explosive, and firearm mufflers and firearm silencers.

The present definition of this term includes "any part or parts" of a firearm. It has been impractical to treat each small part of a firearm as if it were a weapon. The revised definition substitutes the words "frame or receiver" for the words "any part or parts."

In addition, the definition of the term "firearm" is extended to include any "destructive device" as defined in the proposed new definition of this term contained in paragraph (4) of section 1. The effect of this inclusion is to make the provisions of the act applicable to such destructive devices.

The definition of the term "destructive device" contained in paragraph (4) is a new provision. The purpose of this definition is twofold. First, it would bring under the terms of the act any explosive or incendiary (a) grenade or (b) bomb or (c) rocket or (d) missile or (e) similar weapon, or launching device therefor (except devices which are not designed or redesigned or used or intended for use as a weapon). Second, the definition would include large caliber weapons such as bazookas, mortars, antitank guns, etc., in order that the more stringent controls applicable with respect to the traffic in destructive devices would be applicable with respect to such weapons.

The parenthetical exception contained in this definition is drafted in the same manner as the exceptions contained in 26 U.S.C. section 5179(a) (relating to registration of stills) and section 5205(a)(2) (relating to stamps on containers of distilled spirits). Therefore, the decisions of the courts (*Queen* v. *United States*, 77 F. 2d 780; cert. den. 295 U.S. 755; and *Scherr* v. *United States*, 305 U.S. 251) to the effect that the Government is not required to allege or prove matter contained in an exception would be applicable. Establishment by a person that he came within the exception would be a matter of affirmative defense. Thus, an explosive device shown to be designed and intended for lawful use in construction or for other industrial purposes would be excepted. However, if the device were designed or used or intended for use, as a weapon, it would be subject to the provisions of the act.

A provision has been made in this definition that the Secretary may exclude from the definition any device which he finds is not likely to be used as a weapon. Examples of devices which may be excluded from this definition are devices such as Very pistols and other signaling devices and line-throwing appliances (required for commercial vessels by U.S. Coast Guard regulations) which may have been made from converted firearms. This provision also makes it possible to deal with any other comparable situation which may arise, such as old cannon or fieldpieces which are primarily of historical significance and with respect to which there is no reasonable likelihood that they will be used as a weapon.

The definition of the term "short-barreled shotgun" contained in paragraph (5) is a new provision. The definition describes a shotgun of the type which is subject to the provisions of the National Firearms Act (ch. 53 of the Internal Revenue Code of 1954). The purpose of the definition is to provide a convenient means of reference to weapons of this type.

The definition of the term "short-barreled rifle" contained in paragraph (6) is a new provision. The definition describes a rifle of the type which is subject to the provisions of the National Firearms Act (ch. 53 of the Internal Revenue Code of 1954). The purpose of the definition is to provide a convenient reference to weapons of this type.

The definition of the term "importer" is a new provision. Under existing law (15 U.S.C. 901(4)), the term "manufacturer" includes a person engaged in importation of firearms or ammunition for purposes of sale or distribution. It appears obvious that separate classifications should be provided for importers and manufacturers in order to more appropriately effectuate the purposes of the act.

The definition of the term "manufacturer" is a restatement of existing law (15 U.S.C. 904(4)) except that the references to importation have been deleted.

The definition of the term "dealer" is a restatement of existing law (15 U.S.C. 901(5)) with certain revisions. The definition also makes it clear that "pawnbrokers" are a type of dealer. This reflects proposed changes in other provisions of the act which would place pawnbrokers handling firearms in a special category and provide for higher license fees for procurement of licenses by pawnbroker dealers.

The definition of the term "pawnbroker" is a new provision. Pawnbroker dealers are covered under the provisions of the existing act in the same manner as other dealers. The purpose of this definition is to provide a basis for a separate classification of pawnbroker dealers. Under the provisions of the National Firearms Act (26 U.S.C., ch. 53), pawnbrokers are separately classified and charged a higher rate of special (occupational) tax than other dealers.

The definition of the term "indictment" is a new provision. Inasmuch as a person under indictment for certain crimes is proscribed from shipping or receiving firearms in interstate or foreign commerce, and a license under the act will not be issued to such a person, the definition will serve a useful purpose in making it clear that an "information" charging a crime is the same as an indictment charging a crime. This definition is in accord with the opinion of the court in *Quinones* v. *United States*, 161 F. 2d 79.

The definition of the term "fugitive from justice" is a restatement of existing law (15 U.S.C. 901(6)) with reference to "territory" omitted since there is at the present time no such territory.

The definition of the term "crime punishable by imprisonment for a term exceeding 1 year" is a new provision.

Prior to October 4, 1961, the Federal Firearms Act included provisions which made it unlawful for a person convicted of a crime of violence (as defined) in any court of the United States, a State, or possession, to transport, ship, or receive any firearm in interstate or foreign commerce. S. 1750 (87th Cong., 1st sess.) amended the act by striking the definition of "crime of violence" and by striking that term wherever it appeared in the act and inserting in lieu thereof the term "crime punishable by imprisonment for a term exceeding 1 year." S. 1750 was introduced at the request of the Attorney General as an integral part of an anticrime legislative program. See House Report No. 1202 (87th Cong., 1st sess.). The felony criteria for prohibiting the transporting, shipping, or receiving of firearms incorporated in the act by S. 1750 has been retained to date.

However, the definition of "crime punishable by imprisonment for a term exceeding 1 year" proposed in the bill would modify the felony criteria by excluding antitrust-type violations. It may be noted that antitrust-type violations are not felonies under Federal law. However, a limited number of States have statutes making such offenses felonies. The definition would provide uniform treatment of such offenses, both State and Federal.

The definition of the term "Secretary" or "Secretary of the Treasury" contained in paragraph (12) is a new provision. The purpose of this definition is to eliminate the necessity of repeating "Secretary of the Treasury or his delegate" in several sections of the act.

The definition of the term "ammunition" contained in existing law (15 U.S.C. 901(7)) has been revised to include ammunition for a destructive device and ammunition for a machinegun or rifle in addition to pistol and revolver ammunition.

Section 2: Section 2 of the bill would amend section 2 of the Federal Firearms Act (15 U.S.C. 902), which relates to prohibited acts.

Subsection (a): Subsection (a) is derived in part from the provisions of existing law contained in subsections (a) and (b) of section 2 of the Federal Firearms Act (15 U.S.C. 902 (a) and (b)). Such provisions of existing law make it unlawful for any importer, manufacturer, or dealer, except an importer, manufacturer, or dealer licensed under the act, to transport, ship, or receive any firearm in interstate or foreign commerce, or for any person to receive any firearm transported or shipped in interstate or foreign commerce, by an unlicensed importer, manufacturer, or dealer.

The provisions of section 2(a) of the bill establish a general rule making it unlawful for any person, except an importer, manufacturer, or dealer licensed under the provisions of this act, to transport, ship, or receive firearms in interstate or foreign commerce. This would have the effect of channeling interstate and foreign commerce in firearms through licensed importers, licensed manufacturers, and licensed dealers, thereby prohibiting the so-called mail-order traffic

in firearms to unlicensed persons. Thus, the several States could adequately deal with the sale and disposition of firearms within their own jurisdiction by the exercise of their police power granted to them under the Constitution.

The provisions of this subsection would not, of course, be applicable in respect of transactions with the persons excepted under the provisions of section 4 of the act (15 U.S.C. 904), such as Federal or State agencies. No specific exception is made in this section for the transactions with such persons, since such transactions are covered by section 4.

However, five specific exceptions are made to the general prohibitory provisions of subsection (a). These exceptions deal (1) with the transporting of certain types of firearms by individuals traveling in interstate or foreign commerce, (2) with the shipment of firearms to licensees under the act for authorized service and the return of such firearm to the sender, (3) with the transportation of firearms by carriers, and (4) with the application of the subsection in the District of Columbia, the Commonwealth of Puerto Rico, and the possessions.

Exception (1) makes it possible for a person who is traveling in interstate or foreign commerce to carry with him his shotgun or rifle (other than a short-barreled shotgun or short-barreled rifle). The exception also makes it possible for an individual traveling in interstate or foreign commerce (such as a person moving his place of residence) to have his shotgun or rifle transported for him under such conditions as the Secretary shall by regulations prescribe. However, the transportation of the firearm by or for the individual must be for a lawful purpose.

The second exception, which is contained in paragraph (2), relates to the transporting of a pistol or revolver by an individual traveling in interstate or foreign commerce and to having the pistol or revolver transported for such an individual. The limitations with respect to the transportation of pistols and revolvers are more restrictive than with respect to the transportation of shotguns or rifles. The reasons for the home stringent limitations are twofold. First, the States and possessions in general have, under their police power, imposed more restrictions on the acquiring, possessing, or carrying of concealable weapons than have been imposed with respect to sporting-type firearms, such as shotguns and rifles. Second, the more restrictive limitations are also correlated to the provisions of subsection (b) of section 2 as contained in the bill, which would prohibit licensed importers, manufacturers, and dealers from selling a pistol or revolver to a person who is a nonresident of the State in which the licensee's place of business is located.

The effect of the provisions of paragraph (2) of this subsection, coupled with the provisions of subsection (b) of this section, is to require a person to procure his pistol or revolver in the State in which he resides, and if he transports the pistol or revolver across a State line, to comply with the law of each State into or through which he transports such pistol or revolver. Such provisions are designed to give meaning and effect to the laws of those States which have imposed requirements for the protection of their citizens with regard to the acquiring, possessing, or carrying of such firearms. The term "State" is defined in paragraph (2) of section 1 of the act as including the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands.

The third exception, contained in paragraph (3) of subsection (a), provides that, subject to such conditions as the Secretary shall by regulations prescribe, a person may ship a firearm to a licensed importer, licensed manufacturer, or licensed dealer for authorized service and for the return of such firearm to the sender. However, it should be noted that this exception does not apply to any firearms which are subject to the provisions of the National Firearms Act. Such firearms can only be transported in interstate or foreign commerce between persons licensed under the act.

Paragraph (4) of this subsection provides an exception for the shipping or transporting of a firearm in interstate or foreign commerce by common or contract carrier between persons licensed under the act, and to and from licensees and persons exempted by section 4 of the act. This exception also recognizes lawful shipments by U.S. mail between persons licensed under the act. Further, the exception recognizes transportation to or from nonlicensees pursuant to regulations prescribed under paragraphs (1), (2), and (3) of this subsection.

The provisions of paragraph (5) of subsection (2) provide that nothing in this subsection shall be construed as applying in any manner in the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, or a possession, differently than it would apply if such place were a State of the United States. This provision is intended to make it clear that the prohibitions of the subsection are not intended, by reason of the definition of the term "interstate or foreign commerce," to apply to over-the-counter sales, or transportation within such places.

The decisions of the courts (*Queen* v. *United States*, 77 F. 2d 780, cert. den. 295 U.S. 755; and *Scherr* v. *United States*, 305 U.S. 251) to the effect that the Government is not required to allege or prove matter contained in an exception would be applicable to the exceptions contained in this subsection. Establishment by a person that he came within the exception would be a matter of affirmative defense.

Subsection (b): Subsection (b) of section 2 of the act, as contained in the bill, is a new provision which is intended to regulate the disposition of firearms by licensed importers, manufacturers, and dealers, to persons other than licensees under the act.

The subsection would make it unlawful for any importer, manufacturer, or dealer to sell or otherwise dispose of any firearm without following the required procedures for ascertaining (in such a manner as the Secretary shall by regulations prescribe) the identity and place of residence (or of business in the case of a corporation or other business entity) of the purchaser.

In order for the records of disposition required to be kept by licensees to have significant value or validity, it is essential that the licensees be required to satisfactorily ascertain the identity of the purchaser and his place of residence. It should be noted in this regard that the rifle used by Lee Harvey Oswald to assassinate the late President John F. Kennedy, and the pistol used to kill the police officer, were procured by Oswald from federally licensed dealers, under a fictitious name.

Under the subsection all sales or other dispositions by federally licensed importers, federally licensed manufacturers, and federally licensed dealers of shotguns and rifles (other than short-barreled weapons) to persons under 18 years of age, and of all other types of firearms to persons under 21 years of age, would be prohibited. This provides a uniform and effective means throughout the United States for preventing the purchasing of the specified firearms by persons under such ages. The procuring of firearms by juveniles (often without the knowledge or consent of their parents or guardians) has become a matter of national concern. The tragic consequences of this situation has been brought out in the proceeding of the Subcommittee To Investigate Juvenile Delinquency of the Committee on the Judiciary of the Senate.

The provisions of the subsection prohibiting licensees under the act from selling a firearm (other than a shotgun or rifle) to an unlicensed individual who is a resident of a State, other than that in which the importer's, manufacturer's, or dealer's place of business is located, is intended to deal with the very serious problem of individuals going across State lines to procure firearms which they could not lawfully procure or process in their own State and without the knowledge of their local authorities. The hearings before the Subcommittee To Investigate Juvenile Delinquency of the Committee on the Judiciary of the Senate demonstrated the ease with which residents of a particular State, which has laws regulating the purchase of firearms, can circumvent such laws by procuring a firearm in a neighboring jurisdiction which has no such controls on the purchase of firearms.

Paragraph (4) of the subsection would make it unlawful for any federally licensed importer, manufacturer, or dealer to sell or otherwise dispose of any firearms to any person who, by reason of State or local law, regulation, or ordinance, applicable to the place of sale or other disposition, may not lawfully receive or possess such firearm.

The conditions imposed by this subsection on the operations of persons licensed under the act are deemed to be reasonable conditions on the privilege granted to them, and necessary to effective control of interstate and foreign commerce in firearms, and to protect the public welfare.

Subsection (c): Subsection (c) of section 2 of the bill is a new provision which, like subsection (b), deals with the activities of licensed importers, licensed manufacturers, and licensed dealers. This subsection would make it unlawful for any such importer, manufacturer, or dealer to sell or otherwise dispose of any firearm or ammunition to any person (other than a licensee operating under the provisions of section 3(d) or section 6) knowing, or having reasonable cause to believe, that such person is under indictment or has been convicted in any court of the United States, or of a State (as defined in paragraph (2) of section 1) or possession, of a crime punishable by imprisonment for a term exceeding one year, or who is a fugitive from justice. In other words, licensees would be prohibited from knowingly disposing of firearms or ammunition to felons, fugitives from justice, or persons under indictment for a felony. This subsection would also make it unlawful for such importer, manufacturer, or dealer to ship or transport any firearm in interstate or foreign commerce to any person who may not lawfully receive such firearm under the provisions of subsection (a) of this section.

Subsection (d): Subsection 2(d) of the bill is existing law (15 U.S.C. 902(e)) except that the words "in any court" have been inserted to conform the language to the language of subsection (e).

Subsection (e): Subsection 2(e) of the bill is a restatement of existing law (15 U.S.C. 902(f)) revised to include persons under indictment. The omission of these persons from existing law appears to have been an inadvertent omission since such persons are, under existing law (15 U.S.C. 902(e)), prohibited from shipping or transporting firearms in interstate or foreign commerce. Also, the presumption contained in existing law has been eliminated, since it was declared unconstitutional by the Supreme Court in *Tot* v. *United States* 319 U.S. 463.

Subsection (f): Subsection (f) of section 2 as contained in the bill is a new provision which would make it unlawful for any person (including a licensee under the act) knowingly to deposit, or cause to be deposited for mailing, or delivery by mail, or knowingly to deliver, or cause to be delivered, to any common or contract carrier for transportation or shipment in interstate or foreign commerce, any package or other container in which there is any firearm, without written notice to the Postmaster General

or his delegate or to the carrier (as the case may be) that a firearm is being transported or shipped. This provision is correlated to the provisions of section 2(g) of the act as contained in the bill which in general prohibits carriers from delivering, or causing to be delivered, in interstate or foreign commerce, any firearm to any person who does not exhibit or produce evidence of a license obtained under section 3 of the act. Further, the testimony before the Subcommittee To Investigate Juvenile Delinquency of the Committee on the Judiciary of the Senate disclosed the existence of a practice of surreptitiously shipping firearms, without notice or disclosure, to circumvent requirements of Federal or State law.

Subsection (g): Subsection 2(g) of the act as contained in the bill is a new provision which would in general make it unlawful for any common or contract carrier to deliver, or cause to be delivered, in interstate or foreign commerce, any firearm to any person who does not exhibit or produce evidence of a license obtained under section 3 of the act. As noted in the discussion of subsection 2(f), any person who delivers, or causes to be delivered to the common or contract carrier, any package or other container in which there is a firearm, is required to give written notice to the carrier that a firearm is being transported or shipped.

This provision is also correlated to the provisions of section 2(a) of the act as contained in the bill, and is intended to aid in effectuating the provisions of that subsection which are intended to channel interstate or foreign commerce in firearms to persons licensed under the act.

Subsection (h): Subsection (h) of section 2 as contained in the bill is existing law (15 U.S.C. 902(g)) and relates to the transportation or shipment of stolen firearms.

Subsection (i): Subsection 2(i) as contained in the bill is a restatement of existing law (15 U.S.C. 902(h)). The language has been revised to correspond with other comparable provisions of Federal law pertaining to the receipt or sale of stolen property "moving as, or which is a part of, or which constitutes interstate or foreign commerce" (see 18 U.S.C. 2313 relating to sale or receipt of stolen vehicles). This change will make it clear that the provisions apply to stolen firearms or ammunition transported in interstate or foreign commerce, after having been stolen, as well as to firearms and ammunition stolen in the course of movement in interstate or foreign commerce.

Subsection (j): Subsection 2(j) as contained in the bill is a restatement of existing law (15 U.S.C. 902(i)) relating to firearms from which the manufacturer's serial number has been removed, obliterated or altered. The restatement makes applicable the provisions of the subsection to an importer's serial number, as well as the manufacturer's, since importers and manufacturers are separately classified under the provisions of the bill. The restatement also deletes the words "and the possession of any such firearms shall be presumptive evidence that such firearm was being transported, shipped or received, as the case may be, by the possessor in violation of this Act" since the presumption is meaningless in view of the decision of the Supreme Court in *Tot* v. *United States*, 319 U.S. 463.

Subsection (k): Subsection (k) of section 2 of the act as contained in the bill is a new provision which would make it unlawful for any person to import or bring into the United States, or any possession thereof, any firearms in violation of the provisions of this act or to import or bring into the United States or any possession thereof any ammunition for a destructive device. This provision is correlated to the provisions relating to importation of firearms contained in section 3(e).

Subsection (l): Subsection (l) of section 2 of the act as contained in the bill is a new provision which would make it unlawful for any person to knowingly receive any firearm or ammunition which has been imported or brought into the United States, or any possession thereof, in violation of the provisions of this act. This subsection also is correlated to the provisions of section 3(e) of the act relating to importation.

Section 3 of the bill: Section 3 of the bill would amend section 3 of the Federal Firearms Act (15 U.S.C. 903) which relates to licensing of importers, manufacturers, and dealers, and to recordkeeping by licensees.

Subsection (a): Subsection (a) of section 3 of the act as contained in the bill is a restatement and revision of existing law (15 U.S.C. 903(a)).

Under existing law, an importer is required to obtain a license as a manufacturer. The bill provides a separate classification for importers, and under subsection (a) an importer would be required to obtain a license as such.

Under existing law, the applicant, if a manufacturer or importer, paid a fee of $25 per annum, and, if a dealer, a fee of $1 per annum. These fees are completely unrealistic and, in the case of dealers, represent only a fraction of the cost of processing an application and issuing a license. Further, the information presented at the public hearings (held in 1963 by the Subcommittee To Investigate Juvenile Delinquency of the Judiciary Committee of the Senate, and by the Commerce Committee of the Senate in 1963 and 1964 on S. 1975, 88th Cong., 1st sess.) strongly indicated that many of the persons holding licenses as dealers under the Federal Firearms Act were not bona fidely engaged in business as such, but had, due to the nominal license fees, obtained the licenses for their own personal reasons (e.g., to obtain a discount on purchase of firearms, or to ship, or receive concealable weapons through the mails, or to circumvent State or local requirements).

Under the provision of subsection (a) of section 3 of the act as contained in the bill the license fees would be increased to a figure which would make it very unlikely that any person not bona fidely engaged in business as an importer, manufacturer, or dealer would attempt to obtain a Federal Firearms Act license. The increased license fees would be such as to not only cover the cost of processing an application and issuing the license, but would defray the cost of conducting the investigation contemplated by the provisions of section 3(c) of the act as contained in the bill to determine the qualifications of the applicant to engage in the business, and whether or not he would be likely to conduct his operations in compliance with the act.

A separate classification and higher fees are provided in the case of a manufacturer or importer of, or a dealer in, "destructive devices" as defined in section 1(4) of the act as contained in the bill. Since "destructive devices" are not ordinary articles of commerce, it is anticipated that very few such licenses will be issued. The purpose of this separate classification and higher fee with respect to such devices is to make more effective the stringent controls imposed under the bill with regard thereto.

A separate license with a higher license fee is also provided for pawnbroker dealers. A "pawnbroker" is defined in section 1 of the bill. It may be noted that under the National Firearms Act (26 U.S.C., ch. 53) pawnbroker dealers are charged a higher rate of occupational tax than other dealers.

The language of the first sentence is intended to make it clear that no person shall engage in business as an importer of firearms or ammunition, or as a manufacturer of firearms or ammunition, or as a dealer in firearms or ammunition, until he has filed an application with, and received a license to do so from, the Secretary. In order to effectively regulate interstate and foreign commerce in firearms and ammunition, it is necessary that all persons engaging in these businesses be licensed. Similar provisions were upheld in *Hanf* v. *United States*, 235 F. 2d 710, cert. den. 352 U.S. 880, as reasonably necessary to effective control of interstate and foreign commerce under comparable conditions.

The provision that applicants shall be required to pay a fee for obtaining their license "for each place of business" is merely a clarification of existing law, since existing law is now so construed (see 26 CFR, pt. 177.33).

Subsection (b): Subsection (b) of section 3 as contained in the bill is a restatement and revision of the provisions of existing law (15 U.S.C. 903(b)). Existing law provides that upon payment of the prescribed fee the Secretary of the Treasury shall issue to such applicant a license which shall entitle the licensee to transport, ship, or receive firearms and ammunition in interstate or foreign commerce unless and until the license is suspended or revoked in accordance with the provisions of the act. It will be noted that there are no specific conditions on the issuance of a license other than the payment of the prescribed fee. However, in view of the proscriptions in section 2 of the act against the shipment, transportation, or receipt in interstate or foreign commerce of firearms or ammunition by a person who is a fugitive from justice, or who has been convicted of, or who is under indictment for, any offense punishable by imprisonment for a term exceeding 1 year, the act has consistently been construed as precluding the issuance of licenses to such persons since it would be illegal for them to engage in the transactions covered by the license (see 26 CFR, pt. 177). The revision of section 3(b) makes it clear that the privileges granted to the licensee are not unlimited or unconditional but are subject to the provisions of this act and other applicable provisions of law, and also that the application for the license may be denied under the conditions set forth in section 3(c) of the act as contained in the bill.

Subsection (c): Subsection (c) of section 3 of the act as contained in the bill is basically a new provision, except to the extent that it sets forth the construction of existing law to the effect that a license will not be issued to a person who is prohibited from transporting, shipping, or receiving firearms or ammunition in interstate or foreign commerce under the provisions of subsection (d) or (e) of section 2 of the act (i.e., a person who has been convicted of, or who is under indictment for, a felony, or who is a fugitive from justice).

The existing provisions of the Federal Firearms Act, regarding the issuance of licenses, represent an anomaly to the general practice with regard to the issuance of licenses or permits in that the act contains no standards for the issuance or denial of a license such as are contained in other comparable acts. (See 26 U.S.C. 5271(c) and 5712, and 27 U.S.C. 204(a)(2)).

Even though the act has no specific statutory standards, the courts would have held that there would have been an implied standard had the terms of the act provided any discretion to the Secretary with regard to the issuance of a license. (See *Ma-King Co.* v. *Blair*, 271 U.S. 479, where the Supreme Court held that in the case of a statute which granted discretion, i.e., used the language "may issue" rather than "shall issue," that a license could be denied if there were reasonable grounds for believing that the applicant would not be likely to conduct his operations in conformity with Federal law.

Subsection (c) of section 3 of the act as contained in the bill eliminates the anomalous situation with respect to the licensing system contained in existing law and sets

forth specific standards under which an application shall be disapproved and the license denied, after notice and opportunity for hearing.

The standards provided in subsection (c) are very similar to the standards provided in 26 U.S.C. section 5271(c) (relating to permits to procure, deal in, or use specially denatured distilled spirits); 26 U.S.C. 5712 (relating to permits for manufacturers of tobacco products); and to 27 U.S.C. 204 (relating to wholesale dealers in liquors, importer of liquors, etc.). It may be noted that the principal standard in all three of the statutes cited is the implied standard recognized by the Supreme Court in the *Ma-King* case (*Ma-King* v. *Blair*, 271 U.S. 479).

The hearing and appeal procedures provided by the Administrative Procedure Act (act of June 11, 1946, 5 U.S.C. 1001, et seq.) would, as in the case of the permits provided for in 26 U.S.C. 5271 and 5712, be applicable with respect to license proceedings under the Federal Firearms Act.

The provisions of paragraph (2) relating to individuals possessing, directly or indirectly, the power to direct or cause the direction of the management and policies of the corporation, partnership, or association, are necessary to preclude felons or other individuals who could not obtain a license as an individual from using a corporation or other business organization to conduct their operations. In the past, individuals convicted of a felony have formed corporations for the purpose of continuing their firearms operations.

The provisions of paragraph (5) would preclude the issuance of licenses to applicants who do not have, or do not intend to have or maintain, bona fide business premises for the conduct of the business. This provision will be a definite aid in limiting licensees under the Federal Firearms Act to persons bona fidely engaged in business, and assuring that there will be an appropriate place that is subject to proper inspection where the required records will be maintained.

The information developed at the public hearings held by the Subcommittee To Investigate Juvenile Delinquency of the Judiciary Committee of the Senate disclosed a definite need for such a provision. It was shown that in some cases importers or dealers maintained no regular place of business which could be found, and conducted their operations through post office boxes, mail drops, answering services, etc.

Subsection (d): Subsection (d) of section 3 of the act as contained in the bill replaces the provisions of existing law contained in section 3(c) of the act (15 U.S.C. 903(c)) and reflects the construction of existing law as contained in current regulations (26 CFR 177).

The requirement of existing law, concerning the posting of a bond by a licensee convicted of a violation of the act in order to continue operations pending final disposition of the case on appeal, serves no useful purpose, and has been omitted. Further, the provisions of this subsection have been revised to simplify administration. Since the licensee is required to reapply each year for a license, the information on the application relating to his indictment and/or conviction will be adequate. Also, the license itself can, as at present, contain a warning that the licensee cannot continue operations once his conviction has become final (other than as provided in sec. 6).

As under existing law and regulations, a new license will not be issued to a person under indictment for, or who has been convicted of, an offense punishable by imprisonment for a term exceeding 1 year. However, a licensed importer, licensed manufacturer, or licensed dealer may continue operations pursuant to his existing license (provided that prior to the expiration of the term of the existing license timely application is made for a new license), during the term of such indictment and until any conviction pursuant to the indictment becomes final, whereupon he shall be subject to all provisions of this act and operations pursuant to such license shall be discontinued. If a bona fide application for relief is filed under section 6, operations may continue until such application is acted upon.

Subsection (e): Subsection (e) of section 3 of the act as contained in the bill is a new provision designed to bring under control the flow of surplus military weapons and other firearms being imported or brought into the United States which are not particularly suitable for target shooting, hunting, or any other lawful sporting purpose. The Interim Report of the Committee on the Judiciary made by its Subcommittee To Investigate Juvenile Delinquency with respect to the "Interstate Traffic in Mail-Order Firearms" (S. Rept. No. 1340, 88th Cong., 2d sess.) made it clear that such firearms are a principal source of supply of juvenile delinquents and certain other criminal elements. This report also indicated that many of these firearms were in such poor condition, or of such poor workmanship, that their use would be hazardous.

The operations of certain importers of and dealers in such firearms has reflected a flagrant disregard of the public interest.

Under the provisions of the subsection, no person could import or bring firearms into the United States or a possession thereof, except upon authorization by the Secretary. Such authorization would not be issued under the provisions of this subsection unless it was established to the satisfaction of the Secretary that certain conditions designed to protect the public interest had been met.

These provisions would not hinder the importation of currently produced firearms of a type and quality generally recognized as particularly suitable for lawful sporting purposes, or the importation of antique or unserviceable firearms (not readily restorable to firing condition), imported or brought in as a curio or museum piece.

Subsection (f): Section 3(f) of the act as contained in the bill is a new provision relating to the sale or other disposition of destructive devices, machineguns, short-barreled shotguns, and short-barreled rifles by licensees to nonlicensees. This provision is imposed as a condition on the privilege granted the licensee to engage in interstate or foreign commerce with respect to such firearms. Since these are not ordinary articles of commerce, it not expected that there will be any significant volume of transactions falling within the application of the subsection. However, it is deemed to be in the public interest to place adequate controls over the disposition of these firearms by licensees to nonlicensed persons.

Subsection (g): Subsection (g) of section 3 of the act as contained in the bill is a restatement and revision of the recordkeeping requirements of existing law (15 U.S.C. 903(d)). Under existing law and regulations (26 CFR 177.51), licensees are required to maintain complete and adequate records reflecting the importation, production, and disposition at wholesale and retail, of firearms, and the records are required to be kept available for inspection by internal revenue officers during regular business hours (26 CFR 177.54).

The restatement of the recordkeeping requirements contained in this subsection would make clear in the statute the requirement that the records be made available for inspection at all reasonable times, and the authority of the Secretary or his delegate to enter during business hours the premises of the licensee for inspection purposes.

The subsection also makes clear the authority of the Secretary, by regulations, to require the submission of reports concerning the operations of licensees.

It has been existing practice to make available to State and local law enforcement officers information obtained from the required records of licensees for law enforcement purposes (e.g., tracing the ownership of a firearm found at the scene of the crime). The subsection would provide specific statutory authority for this practice.

It may be noted that the entry and inspection provisions contained in this subsection are similar to those provided in 26 U.S.C. 5146 with regard to the premises of liquor dealers.

Subsection (h): Subsection (h) of section 3 of the act as contained in the bill is a new provision which would require licenses issued to importers, manufacturers, and dealers under the provisions of this section to be kept posted and available for inspection on the business premises covered by the license.

Subsection (i): Subsection (i) of the act as contained in the bill is a new provision. Existing law (15 U.S.C. 902(i)) makes it unlawful for any person to transport, ship, or knowingly receive in interstate or foreign commerce, any firearm from which the manufacturer's serial number has been removed, obliterated, or altered. Under the statutory authority to prescribe regulations to carry out the provisions of the act (15 U.S.C. 907), the Secretary has prescribed regulations requiring the identification of firearms (26 CFR 177.50). Subsection (i) would include in the act specific statutory authority for the Secretary to require licensed importers and licensed manufacturers to identify firearms in the manner prescribed by regulations.

Section 4: Section 4 of the act as contained in the bill is a restatement of existing law (15 U.S.C. 904). However, the section as contained in the bill eliminates certain of the exceptions in existing law.

Section 4 of the act as contained in the bill contains the exception in existing law (15 U.S.C. 904) applicable in respect to transportation, shipment, receipt, or importation of firearms or ammunition imported for, or sold or shipped to, or issued for the use of (1) the United States or any department, independent establishment, or agency thereof, or (2) any State or possession, or the District of Columbia, or any department, independent establishment, agency, or any political subdivision thereof. Such transactions are completely exempt from all provisions of the act.

The exemptions in existing law for certain nongovernmental activities have been omitted. Such omission does not mean that firearms or ammunition cannot be shipped to, or procured by, the omitted persons. It merely means that the omitted persons will be required to obtain firearms and ammunition from licensees and that the proper records of transactions must be maintained.

Section 5: No change has been made in subsection (a) of section 5 of the act relating to penalties. However, subsection (b) of section 5 of the act as contained in the bill is a restatement and revision of existing law (15 U.S.C. 905(b)). This subsection would extend the existing forfeiture provisions of the Federal Firearms Act, which provide for the forfeiture of firearms and ammunition involved in violations of the act to cover firearms and ammunition "involved in, or used or intended to be used in," violation of the act or of certain provisions of title 18 of the United States Code pertaining to threats to, or assaults on, law enforcement officers, members of the judiciary, the President, the Vice President, etc.

Under existing law, firearms involved in violations of the Federal Firearms Act (15 U.S.C. 901 et seq.) or the National Firearms

Act (26 U.S.C. ch. 53) are subject to forfeiture. However, these provisions are inadequate to cover many cases involving firearms used in offenses against the laws of the United States pertaining to assaults on, or threats against, law enforcement officers and public officials.

The procedures applicable to seizure, forfeiture, and disposition would be the same as for firearms seized for violation of the Federal Firearms Act (i.e., the provisions of the Internal Revenue Code of 1954, applicable in respect of National Firearms Act firearms, would apply).

The enactment of this provision is deemed to be clearly a matter in the national interest.

Section 6: Section 6 of the bill would renumber sections 6, 7, 8 and 9 of the Federal Firearms Act as sections 8, 9, 10 and 11, respectively, and insert after section 5 two new sections.

The new section 6 would provide for the relief of convicted persons under certain conditions. This section would not apply if the crime involved the use of a firearm or other weapon or a violation of the Federal Firearms Act or the National Firearms Act. Otherwise, the Secretary could grant relief from the disabilities incurred under the act by reason of a conviction if it was established to his satisfaction that the circumstances regarding the conviction and the applicant's record and reputation were such that the applicant will not be likely to conduct his operations in an unlawful manner and that the granting of the relief would not be contrary to the public interest.

The new section 7 of the act as contained in the bill relates to the applicability of other laws. This section is merely for the purpose of making it completely clear that nothing in the Federal Firearms Act shall be construed as modifying or affecting any provision of the National Firearms Act, section 414 of the Mutual Security Act of 1954, or section 1715 of title 18 of the United States Code. Also subsection (b) makes it clear that nothing in the Federal Firearms Act is intended to confer any right or privilege to conduct any business contrary to the law of any State, or to be construed as relieving any person from compliance with the law of any State.

Section 7: Section 7 provides that the amendments made by this act shall become effective on the date of the enactment of the act, except that the amendments made by section 3 to section 3(a) of the Federal Firearms Act would not apply to any importer, manufacturer, or dealer licensed under the Federal Firearms Act on the date of enactment of the act, until the expiration of a license held by such manufacturer, importer, or dealer on such date.

In effect, this would mean that a licensee would not have to obtain a new license until his existing license expired.

LEAVE OF ABSENCE

Mr. HOLLAND. Mr. President, I ask unanimous consent that I may be excused from attendance in the Senate for the remainder of the afternoon and tomorrow in order that I may attend the planned launching of the Gemini space trip tomorrow in Florida.

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

"CRIME CONTROL—WHOSE RESPONSIBILITY IS IT?"—ARTICLE BY HOWARD B. GILL

Mr. MORSE. Mr. President, recently, at William and Mary College, one of our country's outstanding, brilliant criminologists, Howard B. Gill, director of the Institute of Correctional Administration, School of Government and Public Administration, American University, Washington, D.C., had published in the William and Mary Law Review an article entitled "Crime Control—Whose Responsibility Is It?"

In view of the fact that the Senate will be considering before adjournment the question of crime and its solution, I ask unanimous consent that the article be printed at this point in the RECORD.

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

CRIME CONTROL—WHOSE RESPONSIBILITY IS IT?

(By Howard B. Gill,[1] director, Institute of Correctional Administration, School of Government and Public Administration, American University, Washington, D.C.)

"Only when the law—that is the judicial branch of the government—takes over the crime control program shall we ever have efficient law enforcement, a sound correctional program including probation and parole, and effective crime prevention."

When Cesare Beccaria wrote his famous essay "Of Crimes and Punishments," 200 years ago,[2] he enunciated what Gilbert and Sullivan made popular a century later in the phrase "make the punishment fit the crime." It was almost the end of a long era in which the judiciary had dominated the entire crime control process, often in a ferocious exercise of justice. It was an era which began with Hammurabi and which was characterized in more modern times by the infamous "Bloody" Lord Jeffries.

During this era of judicial domination, the judge convened the grand jury and returned the indictment. The sheriff as agent of the court apprehended the accused and confined him in the jail attached to the court. The judge and his petit jury tried, convicted, and sentenced the culprit after which the sheriff took him out and hanged him—or otherwise carried out the order of the court. Now when as a result of Beccaria's famous essay, punishment became regulated, all this was very neat and tidy—and, please note particularly, entirely under the judicial branch of the government.

A HISTORICAL NOTE

During the 100 years following Beccaria's proposals there occurred events which had a profound influence on the whole administration of the criminal law.

In 1777, John Howard published his "State of Prisons" which greatly influenced both British and American thinking with regard to the treatment of prisoners.[3]

In 1779, the English Parliament passed the Penitentiary Act enabling sheriffs to create out of the jails places where convicts could "do time."[4]

In 1785, Sir Thomas Beevor, under the Penitentiary Act, remodeled the jail in Norfolk County, England, as the first modern penitentiary.[5]

In 1790, Pennsylvania authorized the remodeling of the Walnut Street Jail as a penitentiary house.[6]

From 1790 to 1830, many States followed Pennsylvania's example and the famous Auburn and Pennsylvania systems were established.[7]

In 1830, Massachusetts courts developed the doctrine of judicial reprieve;[8] and in 1841, John Augustus began his work with prisoners released under this theory which finally resulted in the first probation law of 1878.[9]

From 1840 to 1844, Capt. Alexander Maconochie set up a parole system for prisoners on Norfolk Island, which became elaborated in the Irish system from 1850 to 1870 and which in turn inspired American prison authorities to establish parole in this country beginning in 1876.[10]

With these events during these hundred years, the major programs of dealing with criminals after conviction had been taken out of the hands of the judiciary and transferred to the executive branch of the government.

During this same period other significant events took from the courts their function of apprehending the offender. In 1829, Sir Robert Peel created the first police department in London, and in 1844, the city of New York established the first organized police force in America.[11] Both of these police forces were placed under the executive and the investigation of suspected offenders was gradually transferred from the sheriff to the detectives of the police departments. In fact in many jurisdictions, the sheriff who had by now become an elected official, abandoned most of his participation in criminal law activities in favor of the more lucrative civil processes. In some States the office of sheriff was abolished.

DISASTROUS RESULTS

What were some of the results of these events? In general, it can be said that police, prisons, and parole, and to some extent probation became the football of politics, unprofessional administration, and often corrupt and venal practices. In a single American city of approximately 750,000 inhabitants recently, there were 10,000 illegal arrests. Throughout the United States, the proliferation and fragmentation of the police function in thousands of ineffectual units due to political influence have produced a situation in which 50 percent of the people of the United States have little or no effective police protection. The underworld operates sometimes with police connivance in every large American city and professional "white collar" criminality almost completely eludes law enforcement officials.

The abuse of prisons for private profit until recently, and the corruption of the offices of sheriff and wardens and their personnel as political plums and as centers for political rings, hang like millstones around the hopes of professional administration. The granting of paroles by politically dominated boards ignorant of professional procedures at best and corrupted by the outright sale of pardons and paroles at worst, makes a farce of justice.

The public documentation of these charges is well known to every serious student of crime control.

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[1] Remarks made at the Annual Banquet of the George Wythe Chapter, Phi Alpha Delta Law Fraternity, College of William and Mary, Williamsburg, Va., Jan. 11, 1964.

[2] Barnes, Harry Elmer, and Teeters, Negley K., New Horizons in Criminology, 3d ed., Prentice-Hall, Inc., New York, 1959; pp. 322–323.

[3] Ibid., pp. 331–335.

[4] Ibid, p. 335.

[5] Ibid. (2d ed. 1951); pp. 397–398.

[6] Ibid. (3d ed., 1959); pp. 335–337.

[7] Ibid., pp. 337–347. See also, Attorney General's Survey of Release Procedures, vol. V., Prisons, Federal Prison Industries, Inc., Leavenworth, Kans., 1940; pp. 1–39.

[8] *Commonwealth* v. *Chase*, Thacker's Criminal Cases 267 (1831); recorded in vol. XIX of the Records of the Old Municipal Court of Boston, p. 199. See also, Attorney General's Survey of Release Procedures, vol. II., Probation, U.S. Government Printing Office, Washington, D.C., 1939; p. 19.

[9] Barnes and Teeters, op. cit., 3d ed. 1959; pp. 553–554.

[10] Ibid., pp. 417–426.

[11] Ibid., p. 213.

JUDICIAL EROSION

However, another and perhaps more subtle weakness in the crime control process has resulted from the gradual erosion of the power and the influence of the judiciary. The courts, themselves, and indeed almost the whole legal profession, have come to believe that the sole function of the judiciary in crime control is to hear the evidence, adjudicate the law, and sentence the offender. Before and beyond this, they have disclaimed all responsibility for the administration of the criminal law.

One has only to suggest that members of the bar should assume direction of police departments or that they should be concerned with the treatment of convicted offenders, and then watch the legal profession smugly wrap their robes of office around them and disappear into their paneled chambers. As for crime prevention, they are quite content to leave this to the home, the school, the church, and the police whose futile efforts to deal with the causes of juvenile delinquency and adult criminality are perhaps the most amateurish of all civic activities.

If one wishes to trace the origins of this apostacy, one might also correlate the development of law schools during the latter half of the 19th century with the rise of great corporations and their $100,000 retainers. Too often any law student who might have the temerity to specialize in the criminal law is looked upon as either a failure or a crook—a knave or a fool.

A NATIONAL DISGRACE

The significant result of all this was succinctly stated by the late Chief Justice William Howard Taft when he said, "The administration of the criminal law in the United States is a national disgrace." [12] The current efforts of the American Bar Association and of the American Law Institute further testify to the growing concern of the bar itself over this problem. The legal profession is all too familiar with judges assigned to the criminal bench who have never handled a single criminal case in their careers, who have never visited a prison or a jail, or young lawyers assigned as juvenile court judges who know little or nothing of the sociology or psychology of child development and who often have never even read the Juvenile Court Act. Imagine a physician who never served an internship or a residency in a hospital or who never had a single day of medical practice being appointed chief medical officer of a large city.

A LEADERLESS MESS

In general the crime control process today is an uncoordinated, ineffectual, leaderless mess often conducted on the one hand by the most ignorant, arrogant, untrained, political hacks, and one the other hand, by a conglomeration of futile or over-zealous social workers, religious conformists, workshop technicians, academic sociologists, and budding "head shrinkers." And where are the lawyers and the law schools—they whose responsibility it is to lead wherever the rights of citizens are involved? Except in the courts, they are notable for their absence.

Instead of a unified, coordinated crime control process including prevention, law enforcement, courts, prisons, probation, and parole under professional leadership trained in the rights of individuals and in precise methods of treatment, we see a collection of isolated constellations whirling in space, sometimes paralleling each other, often colliding head-on, overlapping or spinning off in opposite directions. The police fight the courts and the parole authorities. The prisons, probation and parole agencies seldom if ever cooperate. The courts nol-pros the efforts of the police and shun any responsibility for treatment. Prevention falls down between the home, the school, the church, and the police. There is no leadership.

WHOSE IS THE RESPONSIBILITY?

Whose is the responsibility then for this low esteem, this confusion, this lack of leadership, this sorry state of affairs in the practice and administration of the criminal law? The responsibility lies squarely on the shoulders of those trustees and faculties of law schools and those members of the bar of the United States whose failure in imagination, whose lack of concern for human values, and whose myopic leadership cause them to ignore the problem.

True here and there we find a John Wigmore, a Roscoe Pound, a Holmes, a Brandeis, a Darrow; but for each of these there is a galaxy of tax experts, corporation lawyers, and legal pundits. Now, we are not going to make humanitarians out of corporation lawyers. But we can propose a program for making lawyers out of young humanitarians.

To achieve this, three questions must be answered:

1. Why should the burden of this problem be laid on the shoulders of the law schools, the bar associations, and the judicial branch of the Government?

2. And if the responsibility does lie with the law, how can the law schools and the bar do anything about it?

3. Specifically, what part can a law student specializing in the criminal law play in such a program?

A NATURAL CONCERN OF LAW

There are five reasons why crime control in all its phases is the responsibility of the law and of lawyers.

1. Crime and criminals are historically a natural concern and responsibility of the law. Law arises out of the customs governing both property and persons. Certainly the present overemphasis on the law of property, corporations, and business is a temporary characteristic of an age of intense industrial and commercial development. Is it too much to expect as the 20th century turns more and more toward human values that the law will also reassert its ancient responsibility for human beings in their relations with one another?

A PRIMARY CONCERN OF LAW

2. The law is the only professional discipline in which the offender is of primary concern. In education, social work, medicine, psychology, religion, sociology, economics, the criminal is only incidentally involved. More often he is completely ignored. In the law, on the other hand, the criminal is the raison d'être for a whole segment of the field. In the last analysis, although all other disciplines ignore him, the criminal must be considered and disposed of by the law. He is your baby.

WHOM THE PUBLIC TRUSTS

3. The law (as represented by the police and the courts) is the only agent which the public will trust ultimately in dealing with so fearful a threat to peace and security as crime. While the psychologist, the physician, the educator, the sociologist, the social worker, or the minister may advise and assist, in the last analysis, society looks to those representing the law to control crime.

After many generations of experiment in which each of these disciplines has sought to dominate the process of crime control, society still fears the criminal, and wants him controlled by the law first, and understood afterward. Society has repeatedly indicated that it will only support the recommendations of the doctor, the teacher, the social worker, the minister, or the scientist in handling criminals, especially in new and untried methods essential to progress, if supported by those in whom society has ultimate and complete confidence in dealing with such criminals, namely, those who know and represent the law.

In all this, there is need for the help and wisdom of the physician, the psychiatrist, the psychologist, the educator, the social worker, the minister, the priest, the counselor, the keeper, and any other agent involved in the human relations of crime and criminals. However, for all of these there must be an understanding, intelligent arbiter who will interpret and decide in accord with the rights of the individual as well as the needs of society as expressed in the law. It is clear that this arbiter is the law—the judicial power.

RIGHT TO FREEDOM AND THE LAW

4. Both the freeman and the convict—the innocent and the guilty—must always rely on the law (and on little else) when so precious a right of the individual is involved as freedom. The law exists to protect the individual from both ill-advised and well-meant invasion—from both the overbearing police and the overbearing social worker, from the professional "head shrinker" and the political headman.

The law must always be at the controls of any process dealing with the rights and the freedom of the individual. In all procedures affecting offenders, whether it be arrest, arraignment, trial, sentence, imprisonment, probation, or parole, whenever the question of freedom is involved, only those endowed with an understanding of the law will ultimately govern.

Let me repeat. This is as true in procedures involving arrest and collection of evidence as it is in indictment, trial, and presentation of evidence. It is as true in determining extension or suspension of imprisonment under probation or parole as it is in the imposition of sentence itself. It permeates the whole treatment procedure because this treatment itself hangs entirely on the extension or suspension of legal restraints.

LAW AS CENTER OF CONTROL

5. Finally, the law is the only discipline which can and actually does dominate all the other disciplines in dealing with the criminal. This is strange doctrine in these times, but let us examine it.

There are three basic elements in any social process whether it be business, medicine, law, or whatnot. These elements are distinction of function, coordination of function, and center of control.

It is hardly necessary to define distinction of function; what lawyers call "the separation of powers doctrine." Reference has already been made to the erosion of the judicial function by the executive during the past 200 years in which the control of human rights and freedom—an obvious judicial function—has been usurped by the executive with disastrous results in law enforcement, penology, probation, and parole. The argument, often advanced, that the return of this control to the judiciary would be a violation of the separation-of-powers doctrine, is to ignore the very essence of the judicial function in Anglo-Saxon jurisprudence which recognizes the judiciary as the freeman's protection against the king.

As for coordination of function, as previously stated, this is so notable for its absence in the crime control process that we need not belabor it. The only point worth noting is that coordination is lacking because there is no leadership. And this brings us to the third essential in any social process; namely, the center of control.

It has been categorically stated above that the law is that center of control. What is the proof of this statement?

Sir Charles Sherrington, eminent British physiologist, has given the answer. Seeking the center of control in the human organism, Sherrington supplies the keys to the

[12] Seagle, William, "Quest for Law," Alfred A. Knopf, New York, 1941, p. 245.

center of control in any social process. They are two:

1. That which provides the common path; and

2. That which has the power to interfere with all other elements in the process.[13] Applied to the human organism, the central nervous system meets the requirements exactly. In business, it is obviously the financial powers who provide the common path and possess the power to interfere. In crime control it is the judiciary.

No other agent in crime control satisfies these two requirements except the law. It is the court alone through whose path every criminal must go. It is the court alone who can interfere with the police function and who can determine through the sentencing power how the functions of probation, prisons, or parole shall be exercised. It is the judiciary therefore which becomes the natural center of control in every phase of the administration of the criminal law from the moment a crime is committed until the convict himself has completed his sentence.

Time and again, during the past 175 years since "doing time" was substituted for summary execution of sentence, the public has rejected the leadership of religion, of education, of industry, of medicine and psychiatry, of social work in handling criminals in favor of the almost naked force of law. To be sure, outside the courts, this force of law has consisted chiefly of police-minded leadership tempered now and then by the contributions of these other disciplines. The results have not proved satisfactory because the confusion of disciplines without strong professional leadership has neutralized the very forces seeking to handle the problem. They have lacked that center of control which could insure distinction and coordination of function. But the one agent in the crime control process which can supply these essentials has so far evaded its responsibility. That agent is the law.

LAW SCHOOLS AND CRIME CONTROL

If then the responsibility lies with the law, how can the law schools and the bar do anything about it? It has been proposed that a program should be developed for making lawyers out of young humanitarians.

Such a program could begin with the prelaw course which now usually emphasizes economics, accounting, and business management, and might well add as an alternative such courses basic to the criminal law as psychology, sociology, anthropology, and the social sciences. Probably not too much change could be made in the basic law school program as yet unless it might be to add some clinical training in criminal court work or in corrections. The important innovation would be the recognition of specialization in the administration of the criminal law as a goal of law school instruction. Possibly the addition of advanced courses in clinical criminology (now being conducted in some law schools) and the addition of special, intensive training through institutes supplementing the usual 3-year law course, similar to the institute training in psychiatry now offered medical school graduates, would provide for such specialization in the administration of the criminal law. Such special training with internships, residencies, and fellowship in law enforcement, correctional, and other crime control agencies would soon provide the field with well-trained operators qualified for supervisory, administrative, and executive positions.

BAR ASSOCIATION AND CRIME CONTROL

The bar also could play a most important part by supporting such programs in law schools and by creating in their own associations committees or commissions for putting the law back into law enforcement and for promoting effective legislation or other action toward putting trained lawyers at the helm of other crime control agencies. Every professional discipline is jealous of its prerogatives and of the qualifications of its personnel for proper certification and assignment in its field. The law is jealous of such prerogatives and qualifications only for judges. Why should not the same concern be shown for every position of importance in the whole crime control process? Such committees of the bar might well make themselves responsible also for the proper coordination and functioning of all crime control agencies. Taken seriously, such action by the bar could not be left only to volunteer committees unless such committees were given professional help in carrying on their work.

OPPORTUNITIES FOR LAWYERS IN CRIME CONTROL

The one question remaining then is, What opportunities exist for legally trained men and women with specialization in the administration of the criminal law?

The opportunities for such professionally trained persons is practically unlimited. Not only are existing openings available, but such a joint program by law schools and bar associations itself would create the personnel for an attack on crime and delinquency unparalleled in this country.

Fortunately the day when nonprofessional politicians can qualify for the top positions in police, prison, probation, and parole work and in crime prevention is fast disappearing. The demand today is for professionally trained leaders. The top pay will not equal that of the $100,000 corporation lawyer, but the returns in professional satisfaction are great. A recent college graduate who specialized in correctional administration and became a probation-parole officer is today writing the presentence reports for three criminal court judges. If he had a law degree, he himself would be in line for a judgeship in the near future. Such openings are not rare, and they will become commonplace when more judges realize the importance of the presentence or post-trial report. This is particularly true in the juvenile and youth courts, under the Youth Authority Acts, and in the nationwide drive on juvenile delinquency.

Such positions will include not only those of prosecuting attorneys, public defenders, and judges in juvenile, domestic relations, municipal and criminal courts, but also such allied positions as those of police commissioners, directors of departments of correction and correction authorities, prison wardens, sheriffs, jailors, members of boards of parole, chief probation officers, clerks of courts, executive and other officers of State and Federal bureaus of investigation and crime prevention agencies as well as criminologists in teaching and research. If proper training and qualifications for such positions are established by the legal profession, the field is open to literally thousands of young, specially trained lawyers in positions of tremendous responsibility.

The problem, as previously stated, is not one of trying to make humanitarians out of corporation lawyers. It is rather one of restoring to the law its ancient interest in human rights and in attracting to the law those persons interested in human welfare who should have the status and security of the professional lawyer.

MODERN LEGAL CONCEPTS

In an article entitled "Behavioral Science and Criminal Law," published in the November issue of Scientific American, a Boston psychiatrist tags the criminal law with those old shibboleths of "free will" and "punitive justice"—one supposedly the basis of legal responsibility; the other the result of the doctrine of "deterrence."[14] It is true that there are still some prehistoric courts and maybe some law schools who are still preaching these doctrines, but one has only to observe what is going on today to note how the law is broadening its concepts and moving over into every phase of crime control.

Reference can be made to four examples as illustrations.

1. The restrictions being placed on police investigation by such decisions as the Mallory case have brought all law enforcement agencies within the jurisdiction of the courts.[15]

2. The extension of the doctrine of diminished responsibility, as in the Durham decision, has destroyed the doctrine of "free will" and "punitive justice" and brought treatment within the purview of the court.[16] This doctrine of diminished responsibility is now recognized in the British Commonwealth, Belgium, Denmark, France, Italy, the Netherlands, Norway, Sweden, and Switzerland[17] and in at least seven of the United States including Indiana, New York, New Mexico, Ohio, Utah, Virginia, and Wisconsin.[18]

3. New sentencing procedures such as those under the model Youth Corrections Act of the American Law Institute,[19] now adopted in many States, have extended the considerations of the judge far beyond the rules of evidence and questions of law on into the realm of diagnosis and treatment. One may note here with what vigor the judiciary withstood the attempts of other disciplines to take this sentencing procedure out of their hands.

4. Finally, of tremendous significance in this evolution of the criminal law has been the development of the Uniform Code of Military Justice.[20] It is not too much to predict that the enlightened concepts and the reformed procedures of this code will ultimately change the whole nature of criminal law administration in this country. The recent retirement of Charles Decker, Judge Advocate General of the Army, to accept the leadership in the public defender movement is a case in point. The legal philosophy of Albert Kuhfeld, Judge Advocate General of the Air Force, in administering the code marks a new era in criminal law procedures in the United States.

The implication underlying these four examples support the thesis that the law already is reaching out into every function and every agency in the crime control process. It remains only for the law schools and the legal profession to recognize what is happening.

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[13] Sherrington, Charles S., "The Integrative Action of the Nervous System," Archibald Constable & Co., Ltd. London, 1906; pp. 308–313.

[14] Sachar, Edward J., M.D., "Behavioral Science and Criminal Law," Scientific American, November 1963, vol. 209, No. 5, New York; pp. 39–45.

[15] *Mallory* v. *United States*, 354 U.S. 449 (1957).

[16] *Durham* v. *United States*, 214 Fed. 2d 262 (D.C. Cir. 1954). But see also, *Stewart* v. *United States*, 214 Fed. 2d 879 (D.C. Cir. 1954).

[17] Report of the Royal Commission on Capital Punishment. Cmd. 8932, at 14.

[18] *Hopkins* v. *State*, 180 Ind. 293, 102 N.E. 851 (1913); *People* v. *Moran*, 249 N.Y. 179, 163 N.E. 553 (1928); *Pigman* v. *State*, 14 Ohio 555 (1846); *State* v. *Green*, 78 Utah 580, 6 p. 2d 177 (1931); *Oborn* v. *State*, 143 Wis. 249, 126 N.W. 737 (1910); *Dejarnette* v. *Commonwealth*, 75 Va. 867 (1881); and *State* v. *Padilla*, 66 N.M. 289, 347 P. 2d 312 (1959).

[19] Ellington, John R., "The Youth Authority Program," in Contemporary Correction, Paul W. Tappan, ed. McGraw-Hill Book Co., New York, 1951; pp. 124–135. See also Tappan, Paul W., "The Youth Authority Controversy," ibid.; pp. 135–140.

[20] Uniform Code of Military Justice, title 10, United States Code, secs. 801–935.

CONCLUSIONS

In conclusion it may be simply stated that only when the law—that is the judicial branch of the Government—takes over the crime control program shall we ever have efficient law enforcement, a sound correctional program including probation and parole, and effective crime prevention. To this end, two immediate steps are proposed:

1. That bar associations throughout the United States assume the leadership in the crime control program by setting up local and State crime control commissions with paid directors and staffs whose duties it shall be to promote by every means possible a better coordination of all agencies engaged in crime control including police, courts, prisons, probation, parole, and prevention, and to promote the employment of men and women trained in the law and the humanities in all these agencies.

2. That the law schools (beginning, shall we say with the school of law at the College of William and Mary) establish a program in the administration of the criminal law which shall be open to 3d year law students, lawyers, and other professionally trained specialists who propose to engage, or are actually so engaged, in any phase of crime control activity. Such a program might begin with regular semester courses in crime control or in highly intensive instruction through short term institutes combined with field training under supervision for certification in the administration of the criminal law.

Within the past 50 years, there has developed in the field of medicine a whole new art of healing which bids fair to equal the practice of medicine and surgery without in any way denying the importance of these ancient skills or diminishing their place. The development of psychiatry and psychoanalysis based on the new and established concepts of psychology has added greatly to the practice of medicine. At first ignored by the medical schools, psychoanalysis has created institutes and disciplines of its own supplementing the basic training offered in the traditional schools of medicine. Is it too much to propose that the same sort of thing will happen in the field of law?

OMNIBUS CRIME LEGISLATION

Mr. MORSE. Mr. President, the House of Representatives is presently considering a so-called omnibus crime bill. In my judgment, that bill contains many features which violate many precious constitutional rights and guarantees. Therefore, I ask unanimous consent to have printed at this point in the RECORD an editorial entitled "No Freedom in the Third Degree" published in my hometown newspaper, the Eugene Register-Guard.

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

NO "FREEDOM" IN THE THIRD DEGREE

Senator Goldwater has been having quite a bit to say about "crime in the streets." And he's been getting mileage out of the issue, too, inasmuch as nobody admits liking crime in the streets. His problem, though, has come when he has tried to make a Federal issue out of it, after all he's said about keeping the Federal Government out of the affairs of local communities.

In a speech in Florida, where street violence has been quite an issue this year, the Senator got around to clarifying what he meant. He's really angry at the U.S. Supreme Court. He said the Court 3 years ago held that "No evidence could be used if police investigators made some mistake—any mistake—in gathering the evidence." That's not what the Court said in the milestone Mapp case. It held only that evidence obtained in violation of the Federal Constitution, which evidence was already inadmissible in a Federal court, could not be used in a State court either.

He also charged that the Court "held that a voluntary confession made by a State prisoner was inadmissible because his lawyer was not present when it was made. This was held despite the fact that the prisoner admittedly knew of his right to remain silent."

One presumes that there he had reference to the Gideon, Escobedo, or Jackson cases. These, incidentally, are the three cases that have caused so much work for Oregon's new public defender. Some prisoners in Oregon may be entitled to new trials because of these decisions. They have to do, generally, with the right to a lawyer and the voluntary or involuntary nature of a confession.

If elected, the Senator promised, he would appoint Federal judges who would "redress constitutional interpretation in favor of the public." If that didn't work, he said, he'd press for constitutional amendments, the exact nature of which he did not spell out.

To roll back these decisions, either by appointing hanging judges or by repeal of parts of the Bill of Rights, would not be in the cause of greater freedom. It would be, instead, to invite the unreasonable searches and seizures against which the Founding Fathers warned. And it would be to invite the bright lights and the rubber hoses of the third degree.

Constitutional guarantees are there for people who need them. Most of us go through our whole lives and never, ourselves, need the right to trial by jury, the right to a lawyer in a criminal proceeding, the right to be faced by our accusers, or the right to bail. These precious rights are there for those who need them. Those are the accused, who, it often happens, are not guilty under the law. Note the words "under the law." Innocence and guilt are not readily determined by mortal man. Laws are passed to see to it that each of us, in time of trouble, is treated fairly and evenly. The burden of proof must rest with authority.

One of the functions of law is to protect the citizen from overzealous authority. This is something the Senator, with all his talk of freedom, ought to know. A citizen can be just as badly mauled by a town marshal and a district attorney in a remote hamlet as he can by Federal officers and a U.S. attorney in Washington, D.C.

Mr. MORSE. Mr. President, the omnibus crime bill that has been reported by a majority, but not a large majority, of the House Committee on the District of Columbia, not only is an invitation for the return of third-degree methods, but involves police tyranny. There is no place for that in the District of Columbia.

I am satisfied that under the administration of Chief of Police Layton, there is no desire on the part of the District of Columbia Police Department to have granted to the Police Department all the shocking proposals contained in the omnibus crime bill which a majority of the House Committee on the District of Columbia has recommended.

One such proposal is that Congress enact a proposal of arrest for investigation. Imagine, Mr. President, in the year 1965 legislators in a Congress who really believe that a police department should have authority, when they have no evidence of proximate probable cause for arrest, to put a hand on the shoulder of a free American and drag him into a police station, with none of the checks available, that must be made available to free men and women, against protection from the exercise of third-degree methods by the police.

The Washington Post has today published an editorial entitled "File and Forget." The editorial opposes the omnibus crime bill that has been reported by a majority of the House Committee on the District of Columbia. I ask unanimous consent that the editorial be printed at this point in the RECORD.

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

FILE AND FORGET

Mr. WHITENER's omnibus crime bill for the District of Columbia is to come before the House today. It embodies all the contempt and distaste which he and his Confederate colleagues feel for the residents of the National Capital.

This bill ignores the District of Columbia's real needs. It ignores the carefully considered proposals for dealing with crime submitted to the Congress by President Johnson. It ignores the procedural protections provided for free citizens by the Constitution of the United States. It ignores the realities of life.

This legislation would be bad not alone for the people of Washington but for the American people as a whole. It is unbecoming to a free society as well as hurtful to its Capital. It is legislation for a conquered province, not for an American community. We ask the members of the House when they consider this measure today to ask themselves if they would be willing to subject their own constituents to such tyranny—whether they would be willing to impose on their home districts arrests for investigation, arbitrary detention by police authorities and a police censorship unfit for Yahoos.

So long as Congress insists on acting as municipal council for the city of Washington, it has an obligation to act considerately and conscientiously. That obligation imposes on the House of Representatives a plain duty today to throw this mish-mash of repression onto the refuse heap where it belongs.

Mr. MORSE. Mr. President, as a member of the Senate Committee on the District of Columbia, I wish to put a persistent rumor to rest. The senior Senator from Oregon has no intention of using any delaying tactic or dilatory tactic to prevent the Senate from receiving at an early date whatever crime bill the majority of the Senate Committee on the District of Columbia wishes to report. I shall vote against the bill that is pending. I shall do my best to offer amendments that will bring that bill within the framework of constitutional guarantees, as I believe those guarantees to exist. But if the Senate wishes to march back into the past half dozen centuries by passing Star Chamber procedure legislation, that will be a decision for the Senate to make. We shall let the people of the country pass judgment upon the Senate.

I introduce this material in the RECORD today so that the Senate will have available to it what I consider to be material that is a devastating answer to the unfortunate action taken by a majority of the House committee when it voted and approved this omnibus crime bill.

CRISIS IN VIETNAM

Mr. MORSE. Mr. President, I ask unanimous consent that a letter from Dr. Milnor Alexander, legislative secretary of the Women's International League for Peace and Freedom, written under date of March 19, 1965, addressed to me, be printed at this point in the RECORD. The letter contains a resolution passed by the organization, calling for a cessation of our warmaking policies in South Vietnam and seeking to work through international tribunals for a settlement of the disputes in accordance with the procedures of international law.

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

MARCH 19, 1965.

Senator ERNEST GRUENING,
Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATORS: The Women's International League for Peace and Freedom received the last statement on the crisis in Vietnam issued by Clarence E. Pickett, executive secretary emeritus of the American Friends Service Committee, on March 3. The statement was dated March 1 and our national office released it yesterday in connection with Clarence Pickett's death. This was his response to a wire sent to Nobel Peace Prize laureates and other world leaders for a statement on Vietnam:

"The struggle in Vietnam is futile. It will not really defeat the appeal of communism; also it jeopardizes the good name of the United States and sacrifices good American and Asian lives. Statesmanship by America calls for a commanding gesture for negotiation and a facing of the real problem of Vietnam—poverty, insecurity, and defeat. I urge a prompt turn in the direction of peace."

Would you please insert this in the CONGRESSIONAL RECORD as another indication of the concern in this country about U.S. policy in Vietnam. Thank you very much.

Sincerely yours,

Dr. MILNOR ALEXANDER,
Legislative Secretary.

Mr. MORSE. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a letter from Prof. Frank M. Whiting, of the University of Minnesota, addressed to me under date of February 16, 1965. The letter expresses his disapproval of the country's policies in South Vietnam.

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

UNIVERSITY OF MINNESOTA,
Minneapolis, Minn., February 16, 1965.

Senator WAYNE L. MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: On this frightening eve of what may well become a major and probably disastrous war in Asia let me express my appreciation and gratitude to you for having seen clearly and having had the courage to warn the Nation of the dangers long ago.

Frank M. Rarig used to say, "A good theater man should be an expert at placing himself in the other fellow's boots." Maybe this is why, although they are making a mistake, I can still understand why the poverty-ridden people of southeast Asia turn to China rather than to us. Even more alarming, I think I can see what I would do if I were in control of Red China. I fear that I would launch an all-out war with conventional weapons, thus placing America in the horrible dilemma of either being defeated or else turning to massive bombing of cities, an act which would win us the inflamed hatred of almost everyone in the world and might easily lead to the final atomic holocaust.

I realize that the alternative is probably a miserable one. A negotiated settlement or even withdrawal that would seem weak, cowardly, degrading, and unpopular to most Americans, but almost anything is better in the long run than a remote jungle war that could only be won by the most inhuman mass slaughter of civilians in history.

Mainly, I wanted to say that, although I realize that it must be lonely for you to be a voice crying in the wilderness, some of us thank you nevertheless for your courage and clear thinking.

Cordially,

FRANK M. WHITING.

Mr. MORSE. Mr. President, I ask unanimous consent that an editorial published in the San Francisco Chronicle of March 3, 1965, entitled, "Where the White Paper Is Silent" be printed at this point in the RECORD.

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

[From the San Francisco (Calif.) Chronicle, Mar. 3, 1965]

WHERE THE WHITE PAPER IS SILENT

The U.S. white paper on Vietnam solemnly observes in its introductory paragraphs that it is concerned with a new kind of war "as yet poorly understood in most parts of the world."

To that truism, it might well have tacked on the phrase "including the United States." For here at home, the events in Vietnam are swathed in inscrutable mystery, as evidenced by the confusing differences of opinion currently being expressed in the Halls of Congress, and even more markedly by the bewilderment of the American public.

This widespread puzzlement is in part the outcome of the persistent silence emanating from the White House. It has been dispelled but little if any by the white paper itself. That document labors hard to prove that the long and substantial U.S. commitment in South Vietnam is in simple opposition to flagrant aggression mounted and sustained by a Communst regime in the North against "an independent people who want to make their own way in peace and freedom."

It speaks in plaintive detail about infiltration by guerrilla fighters, technicians, propagandists, political organizers, and secret agents, lavishly armed and equipped. But it shies completely away from the circumstances that are confounding the speakers in Congress and the people at home.

How strongly, one would like to know, do the South Vietnamese in general actually yearn to make their own way in peace and freedom. For that matter, how independent are they? Are they, or are they not, being dragooned into an army and forced to fight a battle for which they have little heart and no stomach? Are they hopelessly split and divided along religious and political and social lines? Do they distrust and even despise the leaders who, by their incessant toppling and rebuilding of rickety governments, appear more concerned with self-aggrandizement than with national interest and democratic principles?

Also unanswered is the big question that leaps up with every new Vietcong success deep inside the territory of South Vietnam: Are the Vietnamese, by and large, too war weary or too much intimidated to fight off the invaders, or, as a matter of distressing fact, are they actually in sympathy with the Communists?

Here are some of the matters on which the American people need and ardently desire full and reliable information. It is not to be found in the white paper. The dogged avoidance of these matters is indeed disquieting at a time when there are signs of greatly intensified American activity in Vietnam, both North and South.

Is not the hour at hand for an end to President Johnson's studied silence?

Mr. MORSE. Mr. President, I ask unanimous consent that an editorial published in the Washington Post on March 22, 1965, entitled "Time for Diplomacy," be printed at this point in the RECORD. The editorial points out the war propaganda nature of the white paper. In my opinion, it makes it perfectly clear that it was a very unfortunate paper because of the chain of inaccuracies to which this administration has attached its name.

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

TIME FOR DIPLOMACY

The American escalation of the war in Vietnam has so far produced a number of favorable political consequences. It has exacerbated the Sino-Soviet conflict. It has produced the first dim signals of concession from North Vietnam. It has forced some of the Buddhist leaders in South Vietnam off the fence and more openly into the international political arena. Several of the Buddhist leaders have told the Americans that they would support the bombing of North Vietnam and a continuation of the war if the North did not soon agree to negotiations on reasonable terms.

We are thus approaching a point where both the international situation and the internal situation in Vietnam are such that the United States could go to the negotiating table with impressive assets. North Vietnam is very fearful of continued American bombings which could eventually destroy her industrial plant. The North is probably fearful that it could not count either on Russia or China in a showdown with the United States. And even if it could count on China, it is not anxious to mortgage its independence to Peiping as the price for such support.

Russia is anxious to get negotiations going because a continued American escalation will one day face her with a horrible choice. Either Moscow will have to support North Vietnam and risk a confrontation with the United States or else the Russians will have to stand by while a Communist state is being decimated. In either case the Russians will lose.

Meanwhile, in South Vietnam itself, the Communists are repeating the same mistake they made in Laos. They are driving the true neutralist forces into the arms of the United States. Just as the Pathet Lao drove Souvanna Phouma and Kong Le into our camp, so now the Vietcong is busy attacking Buddhist monks whose only crime is to want a genuinely neutralist Vietnam.

These favorable circumstances, constituting as they do a certain vindication of the firm policy which the administration has pursued, confront the U.S. Government with nice problems of timing. The opportunity for a useful dialog with Hanoi may be approaching. The chance of a productive negotiation, in which the United States would not be proceeding from weakness, may be coming more swiftly than anticipated only a few weeks ago. To detect when that precise moment has arrived is the essence of the matter.

The President has made an appropriate response to the faint North Vietnam intimations of a greater readiness to consider reasonable solutions. He used his press conference Saturday to point out that the United States does not threaten the North Vietnam regime, that it has no desire to occupy or conquer the country, that it seeks only the end of aggression against South Vietnam.

Events are a long way from a solution in South Vietnam, but they may not be as far as we feared from a situation in which a solution could be profitably discussed. A climate favorable to such a beginning has been created—a situation in which each side is uncomfortable with the predicament in which it finds itself. At some point of mutual discomfort, the opportunity for a ceasefire, an armistice, or a pause may arrive. When it does, we should embrace it.

Whereas our agreement to a cessation of military action a month ago might have looked to the South Vietnamese like the prelude to capitulation it would not look that way now. If the defense of South Vietnam's independence and neutrality were to be transferred from the field to the conference table, there is no reason to believe that gains of the past few weeks would be lost, in terms of the morale of the South Vietnamese. If nothing were gained at the conference table and the battle resumed, because the North Vietnamese proved intractable, the morale and solidarity of the South might even be strengthened by putting the blame for the suffering of the South where it belongs.

This country has nothing to fear from an encounter at the conference table, in the improved climate that has been created by a renewed demonstration of ability and willingness to pursue its original objectives in South Vietnam. We must be ready to act upon the first open and formal indication that Hanoi really desires peace.

Mr. MORSE. Mr. President, I ask unanimous consent that a letter entitled "Playing Russian Roulette in Vietnam," written by Lewis Mumford, published in the San Francisco Chronicle of March 3, 1965, be printed at this point in the RECORD.

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

PLAYING RUSSIAN ROULETTE IN VIETNAM

(NOTE.—The following letter on America's role in Vietnam was written to President Johnson by Critic Lewis Mumford—EDITOR.)

Mr. PRESIDENT: The time has come for someone to speak out on behalf of the great body of your countrymen who regard with abhorrence the course to which you are committing the United States in Vietnam. As a holder of the Presidential Medal of Freedom, I have a duty to say plainly, and in public, what millions of patriotic fellow citizens are saying in the privacy of their homes. Namely, that the course you are now following affronts both our practical judgment and our moral sense.

Neither your manners nor your methods give us any assurance that your policy will lead to a good end; on the contrary, your attempt to cure by military force a situation that has been brought about by our own arrogant, one-sided political assumptions cannot have any final destination short of an irremediable nuclear catastrophe. That would constitute the terminal illness of our whole civilization, and your own people, no less than the Vietnamese and the Communists would be the helpless victims.

In embarking on this program, you are gambling with your country's future, because you have not the courage to discard a losing hand and start a new deal, though this was the magnificent opportunity that your election presented to you. Your games theorists have persuaded you to play Russian roulette. But you cannot save the Government's face by blowing out our country's brains.

From the beginning, the presence of American forces in Vietnam, without the authority of the United Nations, was in defiance of our own solemn commitment when we helped to form that body. Our steady involvement with the military dictators who are waging civil war in South Vietnam, with our extravagant financial support and underhanded military cooperation, is as indefensible as our Government's original refusal to permit a popular election to be held in Vietnam, lest communism should be installed by popular vote. Your attempt now to pin the whole blame on the Government of North Vietnam deceives no one except those whose wishful thinking originally committed us to our high-handed intervention; the same set of agencies and intelligences that inveigled us into the Bay of Pigs disaster.

Instead of using your well-known political adroitness to rescue our country from the military miscalculations and political blunders that created our impossible position in Vietnam, you now, casting all caution to the winds, propose to increase the area of senseless destruction and extermination, without having any other visible ends in view than to conceal our political impotence. In taking this unreasonable course, you not merely show a lack of "decent respect for the opinions of mankind," but you likewise mock and betray all our country's humane traditions.

This betrayal is all the more sinister because you are now, it is plain, obstinately committing us to the very military policy that your countrymen rejected when they so overwhelmingly defeated the Republican candidate.

Before you go further, let us tell you clearly: your professed aims are emptied of meaning by your totalitarian tactics and your nihilistic strategy. We are shamed by your actions, and revolted by your dishonest excuses and pretexts. What is worse, we are horrified by the immediate prospect of having our country's fate in the hands of leaders who, time and again, have shown their inability to think straight, to correct their errors, or to get out of a bad situation without creating a worse one.

The Government has forfeited our confidence, and we will oppose, with every means available within the law, the execution of this impractical, and above all, morally indefensible policy. There is only one way in which you can remove our opposition or regain our confidence; and that is to turn back from the course you have taken and to seek a human way out.

LEWIS MUMFORD.

Mr. MORSE. Mr. President, I ask unanimous consent that an article published in the Jersey Times on January 1, 1965, by Robert S. Allen and Paul Scott, entitled "United States Requests Token Forces," be printed at this point in the RECORD.

The article deals with a subject matter that I have discussed twice on the floor of the Senate. It concerns the attempts of our State Department to get the heads of state in Latin America to make some token contribution, either by way of military personnel or nonmilitary personnel or materiel to warmaking policies in South Vietnam. Such contribution would be made by these Latin American countries to our great detriment in Latin America. This course of action on the part of this administration has stirred up, and rightfully so, a great deal of resentment in a good many Latin American countries.

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

[From the Jersey Times, Jan. 1, 1965]

UNITED STATES REQUESTS TOKEN FORCES—LATIN COUNTRIES GET STRONG APPEAL TO HELP IN VIETNAM

(By Robert S. Allen and Paul Scott)

At least five Latin American countries are being strongly "urged" by the United States to send token military or economic units to strife-lacerated South Vietnam.

They are Brazil, Chile, Colombia, Peru, and Venezuela.

Other South American nations reputedly are under similar backstage pressure but this has not yet been positively established.

The five definitely known to be importuned are among the leading beneficiaries of U.S. aid. Latest available official figures show that since 1946 they have received the following huge totals:

Brazil—more than $2.25 billion. This does not include $1 billion in new credits the United States took the lead in arranging last month, with several other NATO countries, to enable the reform regime of President Humberto Branco to combat soaring inflation and other grave economic disorders.

Chile—upward of $850 million, with new large-scale aid proposals pending. Colombia—more than $550 million, with additional grants and loans under consideration. Peru—upward of $500 million and, like the others, seeking more funds. Venezuela—around $350 million, of which more than $317 million has been in loans and only $18 million in outright grants. Since 1962 this oil-rich nation has received less than $10 million in U.S. aid.

All these countries are markedly cool to getting involved in the increasingly chaotic and unpredictable South Vietnam conflict.

They are displaying distinct reluctance to dispatching even token forces, such as medical or logistic units, or teachers, agricultural experts, and technicians—as the State Department has pointedly "suggested."

Various objections are being raised, foremost among them lack of funds to meet the considerable cost of "showing the flag" in distant southeast Asia.

The United States countered by offering to foot the bill.

Presumably that would include financing transportation, pay, maintenance, and other charges.

These urgent backstage exhortations and proposals are in striking contrast to the administration's cold-shouldering of offers from three U.S. allies in the Far East to send thousands of combat troops to South Vietnam.

South Korea, Nationalist China, and the Philippines expressed readiness to send some 50,000 fully equipped and trained fighting men.

In each instance, they were turned down.

The official explanation was that employment of these Asian battle forces would seriously risk escalating the conflict into a major war. Secretary of State Dean Rusk asked the three allies to dispatch instead noncombat elements, such as medical and logistic units.

All three have complied.

Another baffling South Vietnam enigma is the role of Thrich Tri Quang, leading Buddhist who was given refuge in the U.S. Embassy in the 1963 struggle with the late President Ngo Dinh Diem.

U.S. intelligence has flatly tagged Quang as an agent of Communist North Vietnam acting on instructions from the Hanoi regime.

Yet Quang is a key adviser of both Maj. Gen. Nguyen Khanh and Buddhist members of the civilian council that was abolished by the so-called young Turk generals with Khanh's backing.

Quang also has been consulted by Deputy Ambassador U. Alexis Johnson on establishing a stable government in Saigon.

Early last fall former Ambassador Henry Cabot Lodge visited a number of NATO capitals seeking assistance for South Vietnam. He undertook this mission as the personal emissary of President Lyndon B. Johnson.

Lodge's results were virtually nil.

Mr. MORSE. Mr. President, I ask unanimous consent that telegrams and

letters addressed to me, which bear upon my position in opposition to the U.S. outlawry in South Vietnam, and certain additional newspaper editorials, be printed at this point in the RECORD.

There being no objection, the communications were ordered to be printed in the RECORD, as follows:

FULLERTON, CALIF.,
January 23, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

We heard you tonight on "Newsmakers" and I want you to know I thought your comments and suggestions regarding foreign policy were excellent. Good luck to you.

JOHN F. BISHOP,
A Republican From Fullerton, Calif.

MALIBU, CALIF.,
January 24, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

We support you, you expressed our view tonight on CBS.

Mr. and Mrs. PETER L. DIXON.

LOS ANGELES, CALIF.,
January 24, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

Thrilled by news conference on foreign policy. You are absolutely right. Keep it up.

REUBEN W. and MADELINE BOROUGH.

PULASKI HEIGHTS
CHRISTIAN CHURCH,
Little Rock, Ark., March 5, 1965.

DEAR SENATOR MORSE: To me you are one of the few voices at the top who are making any sense on our policy in Vietnam. I share your concern—and this letter carries with it my appreciation for your speaking out and my best hopes that you may be heard far and wide, so that some change may be made in our present policy.

The enclosed sermon was my attempt to raise my voice in opposition.

Best regards,

RHODES THOMPSON, Jr.,
Minister.

THE THINGS THAT MAKE FOR PEACE

(Sermon preached at Pulaski Heights Christian Church on Sunday, Feb. 28, 1965, by Rhodes Thompson, Jr., minister; scripture: Luke 19: 34–44.)

This morning as we sit here in the silence of this sanctuary an escalating war is gaining daily momentum in the steaming jungles and soggy rice paddies of Vietnam. Perhaps at this very moment, in our effort to win friends and influence people in Asia, American jets, flown by white American pilots, are dumping their hungry loads of napalm jelly fire on grass-thatched villages where hundreds of bewildered brown-skinned civilians—among whom there "might be" a few more wily Vietcong guerrillas—are being transformed into human torches. While we, in our well-guarded and affluent society, have numbered just over 300 casualties among our American sons, our Heavenly Father is mourning the loss of thousands of His children whom we haven't even bothered to count. Meanwhile, all too many voices in our land are calling for more Asian bloodletting as the solution to our tragic impasse in that corner of the globe. Incredulously, we hear some of these voices affirming that this is our only alternative to disaster, even if this course of action should involve us in a full-scale war with Red China and with Russia.

With all the fervor at my command and with God as my witness, let me lodge my vigorous protest. I do not propose to base my objection on political grounds, although my reading in recent weeks has led me to feel a deepening concern even on this level. Today I want to register my objection purely and simply on Christian grounds. In short, I abhor the philosophy of violence that has gripped the architects of our political and military strategy. This philosophy can find no justification in the spirit or teachings of Jesus. It has led us to view the problems of our world through khaki-colored glasses and to assume that the only answers to those problems are those which can be spelled out in bombs—and twisted steel—and shattered corpses. If negotiation—or referral to the U.N.—or withdrawal—be no answer in Vietnam, then let me add: neither is an expanded war. This philosophy of violence has brought us to the verge of mental and spiritual bankruptcy in a world that cannot tolerate even one ill-advised miscalculation. Although this philosophy has been thoroughly discredited by man's historic experience, it seemingly illustrates the observation that "the only lesson that history teaches is that men will not be taught by history." And from our crucified Savior I am certain it evokes the same response now that it did on that day when, weeping over Jerusalem, He said: "Would that even today you knew the things that make for peace. But now they are hid from your eyes" (Luke 19: 42).

But in our time of need, why should "the things that make for peace" be hidden from our eyes? First of all, let me suggest that the things that make for peace are hidden from our eyes because the things that make for war have gotten our attention. Let us be frank about it: waging war is more dramatic and glamorous that waging peace. The poet (Richard Le Gallienne) had hold of this truth when he wrote:

"War
I abhor,
And yet how sweet
The sound along the marching street
Of drum and fife; and I forget
Wet eyes of widows, and forget
Broken old mothers, and the whole
Dark butchery without a soul.

"Without a soul—save this bright drink
Of heady music, sweet as hell;
And even my peace-abiding feet
Go marching with the marching street,
For yonder goes the fife,
And what care I for human life.

"The tears fill my astonished eyes
And my full heart is like to break,
And yet 'tis all embannered lies,
A dream those little drummers make.

"Oh, it is wickedness to clothe
Yon hideous, grinning thing that stalks
Hidden in music, like a queen
That in a garden of glory walks,
Till good men love the thing they loathe.

"Art, thou hast many infamies
But not an infamy like this—
Oh, snap the fife and still the drum,
And show the monster as she is."

Is the same not true of you and me? Are we not captivated by the speed and power of a silvery jet against a clear blue sky, little realizing the terror which such a sight inspires in millions of our fellow men who know first-hand the fiery death it sows? Are we not thrilled by the majestic sight of a sleek missile rising effortlessly off its launching pad and moving unerringly toward its appointed destination thousands of miles away, little realizing its capacities to carry nuclear death to millions of our fellow men? Do we not shower our children with gifts of toy guns—and toy tanks—and toy battleships—and toy helmets, little realizing that we are already conditioning them for their roles as the soldiers of the next war? Whether we are young or old, we must confess that the things that make for war have captured our imaginations and gotten our attention, thereby hiding from our eyes the things that make for peace.

Our first task then must be to seek ways of attracting people's attention to peacemaking. The late Sir Basil Zaharoff, world dealer in munitions, was on the right track when he said, "Let enough people talk peace, think peace, and dream peace, and there will be peace on earth." Perhaps that's too oversimplified, and yet it is true that that which gets our attention usually gets us—and the things that make for peace have been getting neither. One of the motivations behind the establishment of the U.S. Arms Control and Disarmament Agency a few years ago was to focus more of our Nation's attention on this vital aspect of peacemaking—but even yet, who has heard of this agency or its work? Indeed, within this past week Congress has been holding hearings in which some have been urging the discontinuation of this committee because they do not regard its work as being relevant to our day. Proponents for this committee's continuation, I think, are basically united in their feeling that the subject of arms control and disarmament must not be permitted to slip clear out of our attention. They would concur with President Kennedy's stirring words to the United Nations on September 26, 1961:

"Today, every inhabitant of this planet must contemplate the day when it may no longer be habitable. Every man, woman and child lives under a nuclear sword of Damocles, hanging by the slenderest of threads, capable of being cut out at any moment by accident, miscalculation or madness. The weapons of war must be abolished before they abolish us.

"Men no longer debate whether armaments are a symptom or cause of tension. The mere existence of modern weapons—ten million times more destructive than anything the world has ever known, and only minutes away from any target on earth—is a source of horror, of discord and distrust. Men no longer maintain that disarmament must await the settlement of all disputes—for disarmaments must be a part of any permanent settlement. And men no longer pretend that the quest for disarmament is a sign of weakness—for in a spiraling arms race, a nation's security may well be shrinking even as its arms increase.

"For 15 years this organization has sought the reduction and destruction of arms. Now that goal is no longer a dream—it is a practical matter of life or death. The risks inherent in disarmament pale in comparison to the risks inherent in an unlimited arms race."

Yet even now there are some within our Halls of Congress who would dismantle the only agency our Government has for focusing attention on the basic research necessary to taking some first steps toward disarmament.

Let me say that it is at this very point that I think the Peace Corps has rendered an invaluable service to our country and to the world. It has helped to dramatize peacemaking, and thousands of our finest citizens have enlisted to wage peace across our world. Beyond any speeches made or programs launched, the Peace Corps has helped to attract our attention to the problems of mankind; indeed, it has even served to attract attention to the church's "peace corps" of missionaries who have been all to often almost unnoticed in their quiet overseas ministry to human needs. Last Sunday during the church school hour we were privileged to see the excellent sound-film, "Profiles of Promise," which portrayed some of the church's worldwide efforts to help people help themselves, thereby creating the conditions in which peace can prevail. However, even when the church does its audio-visual best to get people's attention focused upon

the need for service to mankind, these efforts seem dull and drab by comparison with the color and pageantry of a missile launching. Nevertheless, in my considered judgment, this must be our first task: to seek more effective ways of attracting people's attention to the things which make for peace which are presently hid from our eyes.

Again, let me suggest that, having gotten our attention, the things that make for war have gotten our money. I think it would be generally admitted that the real motivation behind our race to the moon is the military one of maintaining supremacy over the Russians in space. In an article in the Saturday Review on August 4, 1962, Warren Weaver raised some pertinent questions and shared some disturbing facts, which may indicate more clearly why the efforts to make peace are hampered by a lack of funds for their implementation.

"It has been forecast that it may cost $30 billion to 'put a man on the moon.' But how much is $30 billion?

"It is sobering to think of an alternative set of projects that might be financed with this sum. We could: give a 10-percent raise in salary, over a 10-year period, to every teacher in the United States, from kindergarten through universities, in both public and private institutions; plus give $10 million each to 200 of the best smaller colleges; plus finance 7-year fellowships (freshman through Ph. D.) at $4,000 per person per year for 50,000 new scientists and engineers; plus contribute $300 million each toward the creation of 10 new medical schools; plus build and largely endow complete universities, with medical, engineering, and agricultural faculties for all 53 of the nations which have been added to the U.N. since its founding; plus create three more permanent Rockefeller Foundations; and still have $100 million left over to popularize science.

"Whether you are primarily concerned with national welfare, international prestige, or science, weigh these alternatives against a man on the moon."

Well, one does not have to weigh for long these alternatives before realizing that so long as the things that make for war command the major portion of the financial resources of our Nation's annual budgets, the things that make for peace will remain hidden from our eyes and from our thoughtful consideration. That realization was altogether clear to former general and then President, Dwight Eisenhower, when he appraised the international situation on April 16, 1953:

"Every gun that is made, every warship launched, every rocket fired signifies—in the final sense—a theft from those who hunger and are not fed, those who are cold and are not clothed. This world in arms is not spending money alone. It is spending the sweat of its laborers, the genius of its scientists, the hopes of its children.

"The cost of one modern bomber is this: a modern brick school in more than 30 cities. It is: two electric powerplants, each serving a town of 60,000 population. It is: two fine, fully equipped hospitals. It is some 50 miles of concrete pavement. We pay for a single fighter plane with a half-million bushels of wheat. We pay for a single destroyer with new homes that could have housed more than 8,000 people.

"This is—I repeat—the best way of life to be found on the road the world has been taking. This is not a way of life at all, in any true sense. Under the cloud of threatening war it is humanity hanging from a cross of iron. These plain and cruel truths define the peril and point the hope that come with this spring of 1953."

Twelve years have come and gone since then—and yet today we find ourselves still believing the counsel and still paying the bills incurred by those whose best answer to the tragic problems of our day is an expanded war in Vietnam, which carries with it the risk of fanning those sparks into a global conflagration of violence.

Permit me to go on record today as saying that peace will never be gained by utilizing the methods of violence and war, else ours is a different kind of universe and ours a different kind of God than we have come to know through Jesus Christ. We cannot continue to invest $850 per American family in military expenditures and only $4 per American family in sharing our religious faith with other peoples of our earth (quotation from Henry Smith Leiper), yet continue to hope to harvest the fruits of peace on earth, good will among men. Peace is not the mere absence of war; peace is a positive state of relationship between men and nations. As such, it demands the payment of a price every bit as sacrificial as that required to win a war. In the early 1950's the late Senator Brian McMahon asked the U.S. Senate to appropriate several billions of dollars for atomic research and development, this part of his speech received wide publicity in our newspapers. However, in a largely unreported section of that same speech he pled for a matching sum of money to be devoted to imaginative peacemaking efforts in the underdeveloped nations of the world, and warned that if the latter sum were not appropriated, the former expenditure would bring our world closer to the brink of disaster. You know the result of his appeal: the things that make for war got the money, and the things that make for peace remained hidden from our eyes. And now, almost a decade and a half later you know the consequences of disregarding his warning: a world closer to the brink of destruction than it was then, and a chorus of voices crying out for more war to solve the problems of our day.

All that I have said thus far simply serves to bring us to the heart of the matter; namely, having gotten our attention and our money, the things that make for war have gotten our hearts as well. How great was Jesus' insight into human beings when He said: "For where your treasure is, there will your heart be also" (Matthew 6:21). Mars, the ancient Roman god of war, has become our god; Mars now commands our resources; and Mars has captured our hearts. Let me offer as evidence our increasing tendency to place our trust in force and power as the only effective means of achieving our purposes in the world. Of the Russians we often hear someone say: "Force is the only language they understand." But what of us? Force is fast becoming the only language that many Americans understand, and consequently the only solution to international problems which such ones can see are those which are translated into the language of force and violence. Few there are in positions of leadership who believe that the power of love has any part to play in international relations—or in solution of the problems of Vietnam. Indeed, many of us are apt to regard Jesus' teachings about turning the other cheek, loving our enemies, and forgiving 70 times 70 as starry-eyed idealism which has no relevance to the complex problems of our world. If you are wondering whose faith is in Mars and in force as the still more excellent way to solve our problems, I invite you to pay particular attention to the statements which are even now being daily made by some of our respected statesmen regarding our course of action in Vietnam. Many of them have already struck my ears as nothing less than bone-chilling battle cries.

Amidst the din of these cries for the application of more violence, let me remind you of the voice of One who is calling upon us, as peacemakers, for the application of more love to the problems of our world. Him we have accepted as our Lord and Saviour—and as the Prince of Peace. Yes, despite our high-sounding professions of faith in Christ, our practices led a thoughtful Jewish judge to remark: "It is the greatest irony in history that the most militaristic and acquisitive nations in the world should have chosen a pacifist Jewish peasant not only as their prophet but as their God." Christian friends, time is running out in our world for those of us who profess such faith in Him to match that faith with peacemaking.

The words of Benjamin Mays cannot but impress us with our clear Christian responsibility:

"We talk glibly about the Prince of Peace. We sing fervently, 'Joy to the World; the Lord Is Come,' 'Silent Night,' 'Hark the Herald Angels Sing,' and 'It Came Upon the Midnight Clear'—and yet, as we sing, we prepare for war. We go out to build the best army, the finest navy, the most durable airplanes, and each nation puts its chemists to work to discover the most deadly gases. The national debt may soar sky high, depressions may come and depressions may go, unemployment may mount on wings, and slow starvation wages may take thousands to their graves, but the preparation for war must go on. And when the war comes, we bless it in the name of Jesus. We call it a holy war, and we ask God to join us in our holy crusade to help kill other men who are His children and our brothers.

"Let us hear the conclusion of the whole matter. We cannot get rid of Jesus. The only way to get rid of Jesus is to accept Him in mind, in heart, and in soul. Jesus represents God and God is the absolute—not man, not race, not economic nor political systems—but God. And whenever man in his arrogance and pride sets himself up as the absolute, he will be beaten to the ground."

What our broken world most needs today, to use the words of Arthur Brisbane, is "a peace conference with the Prince of Peace."

Jesus Christ is weeping over our world today, of that I am certain. Across 19 centuries of time I can hear the echo of His words:

"Would that even today you knew the things that make for peace. But now they are hid from your eyes."

In this moment of international peril, may our gracious God raise up some prophet from among the statesmen of our world whose vision is clear to see that which is hidden from other eyes, and whose leadership will be divinely inspired in causing others to see and to lay hold of "the things that make for peace"—before it is too late—before it is too late—before it is too late.

THE DALLES, OREG.,
March 9, 1965.

DEAR SENATOR MORSE: If the facts presented in this letter to the editor of the Oregonian are true then I feel we have done the wrong thing in Vietnam.

Are we so great that we can't swallow a little pride or admit we are wrong? If this is the case then in my opinion we have some lessons to learn.

I will back you in your belief that we do not belong in Vietnam.

Sincerely yours,

ROY MILLER.

BEAVERTON, OREG.

MARCH 13, 1965.

DEAR SENATOR MORSE: Thank you for your stand on foreign aid and Vietnam. Two of the most insane issues facing this country. How educated, informed person can believe our money swelling the coffers of Communist countries helps the United States is beyond my comprehension. And what we are doing in Vietnam I doubt God himselfs knows. A meaningless slaughter of American boys and men.

Sincerely,

(MRS. C. F.) FRANCES BERNET.

GRANTS PASS.

ATLANTA LAUNDRIES, INC.,
Atlanta, Ga., March 4, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I heard your comments about the war in South Vietnam over television last night on WAII, channel 11, Atlanta, Ga.

I sure do agree with you. You are to be commended for your statement.

I can't understand what is wrong with our Government. When our boys are dying over there and not one British boy has been lost and the British are sending supplies to North Vietnam. Have we gone crazy, or what?

Please give me your opinion so I can write my two Senators; maybe there's something I don't know.

Sincerely,

WM. J. SHIRLEY.

LANCASTER, PA.,
March 5, 1965.

Hon. WAYNE MORSE,
Senate of the United States,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: As a simple citizen of the Nation, this is to express my sincere appreciation to one of the few governmental officials having the courage to remain constantly opposed to our Government's Asiatic folly.

I have no doubt that your adherence to this stand is at considerable cost and at the face of unbelievable pressure. You are, no doubt, the recipient of scurrilous letters, the butt of much invective, and object of intense hatred from the military. Lesser men would have capitulated, as did Senator SCOTT from my own State. I would be proud to be one of your constituents.

I'm afraid the cause is lost—and with it all humanity. But, if any historians survive the holocaust, they will write that our diplomacy manifested the sheerest stupidity of all time while the fate of civilization hung in the balance.

Don't let them silence you by crowding you with other assignments, by threats, or by any of the devious machinations practiced by the hate merchants. Yours is about the only strong voice left to speak for sanity.

Sincerely,

O. H. AURAND.

EUGENE, OREG.,
March 10, 1965.

DEAR SENATOR MORSE: I've lived in Oregon only a year and a half. I am proud to be a part of your constituency, for I approve wholeheartedly of your stand on Vietnam. Don't give up.

You're not getting enough publicity outside the State, I hear, but soon summer will come and vacationers can spread the word—I hope it's not too late.

Yours truly,

(Mrs. W. H.) RUTH A. SILLS.

WRIGHTSVILLE, PA.,
March 7, 1965.

Senator WAYNE MORSE,
The Senate, Washington, D.C.

DEAR SENATOR: Please keep talking about our pitiful role in South Vietnam. The York Gazette and Daily gives you good coverage.

I am a Democrat who is truly disillusioned with our "reasonable" leader.

Sincerely,

ANNA S. GLEATON.

PACIFIC SEED & HARDWARE CO.,
Portland, Oreg., March 9, 1965.

Hon. WAYNE MORSE,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Keep up the good work, get us out of Asia and Africa. It is noble to go to the aid of others only as far as you can without material injury to yourself. I feel we are only mudding the waters by meddling in others domestic affairs. Stop throwing our assets around and we can build our own strength to a point where we can tell them off and they will listen. These noble experiments are going to bankrupt our Nation. We owe $50 billion more than all other nations combined.

FRANK SORENSEN.

GROSSE POINTE, MICH.,
March 7, 1965.

DEAR SENATOR MORSE: I've been wanting to write you for years and thank you for raising your voice against all the injustices being practiced around the world today.

So many people like me hear you and read about your courageous speeches in the Senate, and though we agree with you and love you for speaking out we fail to write and tell you so. Forgive us.

History will record that only two voices in the body of Congress were raised against our idiots policy in southeast Asia.

May God bless you and Senator GRUENING. Keep up the good work.

Sincerely,

Mrs. HOWARD A. LEE.

BALDWIN, LONG ISLAND, N.Y.,
March 8, 1965.

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: Although, the writer is a conservative he must by all state of conscience support your stand regarding Vietnam. It may be very unpopular to state that we are the aggressors, but the strange fact remains we are just that. You have always had the courage of your convictions and although the writer may have disagreed with you on many issues, he cannot help but agree with you on this and mind you this is not the conservative point of view.

It is indeed a sorry thing to say but in the writer's mind, the President has no actual sense of history, merely an academic one. Although, you were in opposition much of the time to the late Robert A. Taft, the writer feels that if he were living today, this great Senator would have taken the same stand despite the opposition of the White House.

Thanking you again for your courageous stand.

Very cordially yours,

RICHARD V. GRULICH.

WILDEVILLE, OREG.,
March 17, 1965.

SENATOR WAYNE MORSE: We support your stand on the senseless war in south Asia. In this small community my thought seemed to be shared by many others. Count on our continued support.

We thank you for your actions in this respect.

ADELAIDE BAINES.
WARD BAINES.

SAN DIEGO, CALIF.,
March 9, 1965.

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SIR: I, a former refugee from behind the so-called Iron Curtain, agree fully with you in regard to the dirty war in Vietnam. We should not have been there at all because we should not arrogate to ourselves the right of meddling in other people's affairs. If we wanted to defend freedom, to fight for freedom, the very place is here at home, in Alabama, in Mississippi and other places.

I admire you for the courage of speaking without fear your honest and independent convictions, to serve truth and justice, and to serve the best interests of our country and the peace of the world. I am convinced that the conscience of America is with you.

Sincerely,

ANTHONY OLIVARI.

UNIVERSITY OF OREGON DENTAL SCHOOL,
Portland, Oreg., March 8, 1965.

Hon. WAYNE MORSE,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Permit me to extend my congratulations to you on your very forceful Chicago speech on March 4. Many of us hope and pray that our administration will lend an ear to your clear insight to this grave Vietnam problem.

Sincerely yours,

DUANE R. PAULSON, D.D.S.

CARTERVILLE, ILL.,
March 7, 1965.

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR MR. SENATOR: I add my small voice to those opposed to the apparent policy of the present administration in South Vietnam.

After 10 years and billions of dollars, plus the most precious thing of all, the lives of our soldiers, it is high time we recognize the futility of trying to save 15 million people from Communist domination, who apparently don't want to be saved. At least not by us. It might have been a different story if our two countries were of the same racial and cultural background.

I am completely confused as to just what our present plans and policies are for South Vietnam. All I hear is the timeworn phrase "We must stop the spread of communism." This has been parrotted by some politicians and about 90 percent of the people for so long that it has become meaningless. Most certainly I believe that practically all of us agree with its original concept, which I believe was first promulgated by President Truman. But the distortions to the original concept, brought about by the jingoism of the McCarthy, John Birch, and like movements, has created an atmosphere of unreasonable fear and suspicion to the point where, I believe, otherwise straight thinking, knowledgeable men are unconsciously endorsing and advocating views and policies contrary to their own deep-seated best judgment.

I do not feel that there is any reason to criticize President Eisenhower's decision to intervene in Vietnam. At the time it looked like the thing to do, and although there were many problems, the chances for success seemed to be on our side. So he could not decide otherwise. But 10 years have brought many changes, and our chances of success have gone aglimmering, and our position is rapidly becoming untenable.

The time has come for the Johnson administration to clear the boards and take a new look. Many an honorable strategic retreat has not only won the battle, but the war.

We can ill afford to continue with a policy that will eventually drive Russia into Red China's camp. And how much longer can we hide our head in the sand and ignore the existence of a nation of 650 million people, even though they are our deadliest enemies? And last, but not least, we cannot afford to become involved in a war whereby victory can be achieved only by destroying ourselves.

Sincerely yours,

ARTHUR T. BLAKE.

WILLINGBORO, N.J.,
March 9, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I want to take this opportunity to express to you my appreciation for the effort you have been making and continue to make on behalf of a sane policy in Vietnam. You, and a few others, are the only redeeming factor of our many branches of government in the shameful policy we

have adopted in Vietnam. I thank you and support you fully in the stand you have taken, and hope that in time others will see the only way to regain our self-respect and dignity in the eyes of the world is to negotiate and withdraw from a situation where we never should have been in the first place.

Please continue in your efforts to bring the truth before the American public and know that you have the support of many.

Sincerely,

VIRGINIA HILL
Mrs. Ted Hill.

UNIVERSITY OF CALIFORNIA,
Davis, Calif., March 8, 1965.

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: I just wish to write you a short note to commend your courageous and intelligent position on Vietnam. More voices with as much honesty and frankness as yours are needed in the U.S. Senate. Unfortunately the Senate lately has become, or is becoming, a lobbyist group for the military-industrial complex. I hope you continue to be outspoken and critical as long as our administration preaches pulpy potato love (The Great Society) while failing to give the American people any answers except the most unsatisfying cliches and empty phrases. It is frightening that the United States is becoming a huge Disneyland, composed of illusions and facades, behind which such action, totally unjustifiable, as that in Vietnam is carried out. Again, thank you.

Respectfully yours,

ROBERT E. LOUGY.

MOUNTAIN LAKES, N.J.,
March 7, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: Thank you for speaking out openly on U.S. policy in Vietnam. I hope and trust that you will continue to do so. Rule by force must end.

Sincerely,

ADRIAN VAN L. MAAS.

PORTLAND, OREG.,
March 9, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I thank God for your forthright and courageous opposition to the administration's Vietnam policy. I am praying that you will find support in the Senate and that God will move our troops out of Vietnam speedily.

I am writing today also to Representative EDITH GREEN, President Johnson and the Oregon Journal expressing my support for your stand.

I shall be praying that God will give us a leader, at the next presidential election who will lead our Nation into a better understanding with all peoples of the world.

Yours sincerely,

DONALD W. NOVAK.

GENERAL INSURANCE CO. OF AMERICA,
SAFECO INSURANCE CO. OF AMERICA,
Seattle, Wash., March 5, 1965.

DEAR SENATOR MORSE: Several times recently I have heard you speak (TV), and read your quotes regarding this mess in Vietnam. Our damn Senate, President, Armed Forces, and State Department are in conspiracy to build (escalate) this mess into a war. But this approach will actually lead into another type Korea, and eventually some type of World War.

Speak out. Keep it up. You and yours have our support.

HARRISON C. MACK.

INDIANAPOLIS, IND.

DEAR MR. MORSE: We very much thank and appreciate you. We believe that you are doing all that is possible for anyone to do—regarding the situation in Vietnam.

We are sure living in terrible times and only by God's help and prayers will we ever make it through.

According to our faith in God will be the answer. Our very earnest prayers are with you now.

Sincerely yours,

Mrs. CECIL BEELER.

WHITMAN, MASS.,
March 7, 1965.

Hon. WAYNE B. MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Enclosed please find copy of a letter sent to President George Meany on March 2, 1965, on the situation in Vietnam.

Please continue to do everything possible to end this conflict and save our country from further disgrace in the eyes of the world.

Yours truly,

J. J. BELLEFENILLE.

MARCH 2, 1965.

Mr. GEORGE MEANY,
AFL–CIO Building,
Washington, D.C.

DEAR SIR AND BROTHER: You have just recently, on behalf of the executive council and yourself, endorsed the action of the Johnson administration in escalating the war in Vietnam. By this act, you have identified yourself with Barry Goldwater, who campaigned on such a program. The only other support given to this act came from EVERETT DIRKSEN and the Dixicrats.

Such support brings shame and disgrace on the labor movement in the eyes of 81 percent of the American people, who in a Gallup poll recently called for withdrawal of American troops in Vietnam and negotiation of the issues involved. Strong voices in Congress support this action.

History tells us that in 1776, a revolution took place here to oust colonial oppressors; namely, George III and a new form of government was formed establishing freedom as its cornerstone. This action was then opposed by the entire world, but it did not deter this country one iota from setting up this new form of republican government.

Recently we participated in a war, based on the principle of four freedoms and the right of nations to self-determination without interference from any source whatever.

After the ouster of the French in Indochina and the 1954 Geneva Conference, settlement of this issue, we then had no business following the advice of John Foster Dulles or Richard Nixon, thereby causing more suffering to a nation that had already suffered too much.

May I therefore, humbly suggest that you reevaluate your position on Vietnam, and that you base your decisions in the future more in line with the expressed wishes of the people, who, in the first instance, repudiated such a policy at the polls last November.

Fraternally,

J. J. BELLEFENILLE.

NEW YORK UNIVERSITY,
GRADUATE SCHOOL OF ARTS AND SCIENCE,
New York, N.Y., March 8, 1965.

Senator WAYNE B. MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: In the loneliness of the position you are espousing on the floor of the Senate, in regard to shameful behavior of our Government in South Vietnam, please know that I am proud to be living at the same time as you are.

Your courage and patriotism is in the pure line as exemplified by Washington, Jefferson, and Lincoln. Please be assured that history will accord you an honored place as one who kept his sanity and courage when all around him dropped their weapons and fled.

I salute you.

Sincerely yours,

MARTIN POPE,
Associate Professor.

ST. LOUIS, MO.,
March 7, 1965.

DEAR SENATOR MORSE: When Senator Goldwater was running for President, I was afraid that the people backing him were going to make the same mistake German industrialists did when they put Hitler into power in Germany because they thought they needed a strong man to stand against communism. It turned out that they lost everything they would have lost even if Communists had taken over.

Well, the voters turned Goldwater down with a resounding thud, but it turns out that President Johnson is doing exactly what the voters were afraid Goldwater would do if he got in. Apparently, Mr. Johnson is not the man to bother with this nonsense about democracy and a democratic government. He is running the country as he sees fit, and he could care less whether the voters like it or not. Incidentally, he couldn't do a worse job than he's doing.

He is fighting an unpopular war, and if he put it to a vote, he would find the voters about 10 to 1 in favor of pulling out of Vietnam now without bothering about negotiations. He has accomplished what seemed almost the impossible, in bringing Russia and China back together, which was a master stroke in favor of world communism. All in all, Mr. Johnson seems to be shaping up as the most blundering, bullheaded ass we have had in office since Herbie Hoover, and he has all the earmarks of an emerging Hitler, because he is setting up a dictatorship with all the means within his power.

The way he is going, all the Republicans have to do in 1968 is to run anybody who doesn't make waves, and he will win by as large a landslide as Goldwater lost last time.

NICHOLAS PARKMAN.

GRAND COULEE, WASH.,
March 4, 1965.

Senator WAYNE MORSE.

DEAR WONDERFUL SENATOR: We want to tell you that we agree with you 100 percent on your stand on the Vietnam situation. Keep it up and may God bless you.

We think that bombing, etc., that our country is doing is horrible and terrible.

We just wish that you were President of this country. We are back of you in what you are trying to do.

Sincerely,

Mr. and Mrs. WILLIAM EHLERS.

CHINESE OVERSEAS CHRISTIAN MISSION,
Timonium, Md., March 9, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: You are absolutely right in your stand on the war in Vietnam, and you are the only leader I have heard who dares stand up and be counted in opposition to our warlike policy in Asia.

"Negotiation in strength"; i.e., from a "position of strength" is a reliance not upon the justness of our case in southeast Asia but upon our capability and willingness to destroy human life. It is brinkmanship to the *n*th degree, with the lives of our little brown brothers and of our own GI's as the stake.

My wife and I were born and reared in Asia and have spent 40 years as missionaries in north China, 1911–51.

God bless you.

FREDERICK M. PYKE.

BROWN UNIVERSITY,
Providence, R.I., March 6, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I wish to say how fine a role I think you have assumed in the Vietnam debate. Your position has made it possible for creative doubt to be a growing factor in our southeastern Asian policies.

Sincerely,

NICOLAUS C. MILLS.

UNIVERSITY OF PENNSYLVANIA,
Philadelphia, March 10, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I have long wanted to express my deep gratitude to you for your magnificent and courageous fight for sanity in our policy in southeast Asia. You have performed, in my opinion, the highest form of public service, and I am quite sure that there are millions of Americans who feel the same way.

It is unfortunate that, in spite of your efforts, we appear to be at a more critical position than ever before, and under the direction of a President who carried out a campaign for peace, responsibility, caution, etc. The opposition to Goldwaterism has been put in a very awkward position by the fact that their (and formally my) hero, the campaign dove, is carrying out policies that appear to be pure Goldwaterism.

Once again, please accept my thanks for your superb efforts of the recent past, and permit me to urge you to keep firing from both barrels.

Sincerely yours,

EDWARD S. HERMAN,
Associate Professor of Finance.

PHILADELPHIA, PA.,
March 9, 1965.

The EDITOR,
The Washington Post and Times Herald,
Washington, D.C.

DEAR SIR: The verbal heart of our justification for enlarging our participation in the Vietnamese war is the contention that the North Vietnamese are aggressing against South Vietnam. Proof of aggression thus far has consisted of showing that a quantity of arms and men (minuscule relative to our own contribution) has been transferred from north to south; plus unverified and unconvincing allegations of control of Vietcong actions from Hanoi. However, if the revolt against the Saigon Government was initially largely homegrown, and if it has substantial indigenous support, the use of the word aggression to describe active aid to either side is dangerous rhetoric. And if the Saigon Government commands less support in South Vietnam than the rebels, which may very well be the case, our use of the word aggression to describe North Vietnamese support of the Vietcong is hypocritical in the extreme.

What is really distressing is that our highest officials seem to regard their references to Hanoi aggression, and our own highly moral defense of liberty in South Vietnam, as more than the claptrap that it appears to be. Is there nobody in Washington bold enough to point out that the Emperor is without a stitch of clothing?

Very truly yours,

EDWARD S. HERMAN.

P.S.—I would be grateful if you would publish this letter. From long experience I can assure you that this letter or any reasonable facsimile would not be published by any Philadelphia newspaper.

IOWA CITY, IOWA,
March 8, 1965.

DEAR SENATOR MORSE: As citizens of the United States and erstwhile Oregonians, we wholeheartedly endorse the stand you have taken on the Vietnam issue.

Very truly yours,

Mr. and Mrs. JAMES S. HILLAND.

CHICAGO, ILL.,
March 7, 1965.

Senator WAYNE MORSE,
Senate Office Building
Washington, D.C.

DEAR SENATOR: I just heard your discussion with Hans Morganthau on WBBM and I am very, very grateful for your comments and I appreciate your courage and forthrightness. I agree with you wholeheartedly. Keep up the prophetic task.

You might like to know that I am also sending a letter of praise to WBBM since you implied that radio is meeting an information-spreading need that the press is not.

Sincerely,

PAUL VAN NESS.

P.S.— I have also written my Congressmen of my opinions.

WAVERLY, NEBR.,
February 26, 1965.

SENATOR MORSE: We are with you all the way on the Vietnam situation; keep talking and telling the truth about this situation.

MERLE O. FUCHSER.

MILLERSVILLE, PA.,
March 9, 1965.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I am concerned about the continuing buildup of American forces in Vietnam and our increased aggressive action there. If democracy is to be successful the people must receive adequate information upon which to base their judgments. I do not think that the majority of the American press or the agencies of our Government have been supplying us with a clear perspective of the situation in Vietnam and southeast Asia and I want to commend you for your efforts to give the American public this vital information. I hope you will continue to speak out against these actions and strive for a peaceful and moral solution to the situation in Vietnam.

I would also like to call your attention to the York (Pa.) Gazette and Daily. I am sure you would find its editorial page a refreshing change from the opinions usually expressed by the Oregonian and the Oregon Journal.

I recently changed my address to Millersville State College from Oregon State University where I recently completed graduate studies and if I could I would like to continue receiving your newsletter.

Sincerely yours,

VERNE M. CHAPMAN.

LOS ANGELES, CALIF.,
March 7, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: My hearty support for your position on Vietnam.

I believe that every bomb will drive the Vietnamese closer to the Vietcong. Surely the people in that unhappy country feel more solidarity with each other, regardless of political forms, than any of them do with us—so utterly alien, so grimly insistent.

We say we want independence for Vietnam—but how about independence from United States? Surely all Asian and other colonial peoples are united against foreign domination, clumsily designated foreign (military) aid.

I have written the President and my Senators urging an immediate negotiated peace, to be followed by a pullout and strict impartiality; then foreign aid to the whole country, if requested.

We can hardly persuade the North Vietnam peasants to turn their backs on China by bombing them. And the South Vietnam peasants have no allies against our juggernaut except the Vietcong—or in the case of the Buddhists, the fire.

Sincerely yours,

GERTRUDE K. STOUGHTON.

CULVER CITY, IND.,
March 6, 1965.

DEAR SENATOR MORSE: I congratulate you on the long hectic stand you have taken regarding our policies in Vietnam. I would like to encourage you to continue with your seemly unpopular but just cause.

My purpose is to inspire you with the information that among the great majority of my acquaintances I find that they hold opinions comparable to yours.

Although we did not sign the Geneva Treaty of 1954 I understand that our delegate, Walter Smith, committed the United States to honoring all but article 13. Therefore, I contend that we are violating the Geneva accords by intervening in the internal affairs of the South Vietnamese.

As so-called champions of democracy, why did we not allow the elections that were to have taken place 2 years after the treaty was signed?

We have installed and supported an oppressive and unpopular government upon the people of South Vietnam instead of democracy. Our own popularity there is indicated by the demonstrations of the Buddhists who, I understand, make up the majority of the people.

Guerrilla warfare is not practical without the sympathy of the peasant class. Because of their cooperation with the guerrilla forces we have aided in tearing them away from their homes and villages and under Operation Sunrise, have herded them into "strategic hamlets." When the Germans did this to political dissenters we frowned upon activities so brutal and undemocratic and we called strategic hamlets concentration camps then.

When we rain bombs upon the unsuspecting people of Loas and North Vietnam we call it retaliatory. When the Japanese bombed Pearl Harbor without a declaration of war we called it aggression.

It has reached a point now in this country where we have defined war out of existence. According to my dictionary, to exert force or violence against another is war. We redefine war by saying that we are not in a state of war without the approval of the Congress. This is not a defining characteristic of war. Our people know that we cannot legislate war out of existence by redefining the word without the knowledge of analytical philosophy.

Congress has given the President the power to defend South Vietnam but we don't need a slide rule to figure out that defense and aggression are two different things. Our President tries in vain to foist upon the public the idea that these two words have the same denotation. This is the same as saying that a gorilla and a mocking bird are of the same species.

What is happening in this country today is an insult to the intelligence of the American public. I very much resent being treated as though I were a nincompoop.

If our idiotic foreign policies do not end up in a world holocaust and humanity survives to write the history of our times, I am sure that you and very few others will go down on its pages as one of the voices of sanity raised amid the uproar of raving lunatics.

I voted for Johnson because he claimed to stand for peace and indicated that he would not close the door to the negotiating table. He is not only a liar, but I am more

convinced every day that we have a madman in the White House.

I was happy to participate in the Second World War, fighting against the abominable atrocious policies of nations that believed in concentration camps and acts of undeclared war. Now my President implies that I lack understanding; simply because I will not condone the suppression of people who for years of miserable, terrible revolution have tried to become self-determining and free to control their own destinies.

I'm afraid that, should my country need my services in this war I would choose jail. I never thought the day would come when I would say that I am ashamed of being an American but it has.

I leave it up to you, Senator GRUENING, and a few others to restore faith in my country and pride to myself.

I sincerely wish you well and please don't give up.

Sincerely,

CHARLES F. REED.

P.S.—It would be better to lose face than one more precious life in Vietnam.

KINGSTON, R.I.,
March 7, 1965.

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: From what we have heard and read of your speeches and position on the problem of South Vietnam, we feel that you are taking a realistic view. Neither the State Department nor anyone in the administration has explained the indifference, if not hostility, of the average South Vietnamese to the U.S. program, or the continuance of their poverty. If the two are linked, and the guerrillas are supported by the South Vietnamese, then why do we bomb North Vietnam, unless we want to draw China into the war? Wouldn't it be better, as I believe you say, to negotiate under U.N. auspices so as to pull out at minimum cost before we antagonize irrevocably other Asians (and indeed citizens of underdeveloped areas in other parts of the globe as well)? Attempts to bomb both the guerrillas and North Vietnamese inevitably kill a lot of innocent people.

Many people that we talk with seem to feel that the United States is making a big mistake but there seems to be no way of getting the President or the administration to be open and frank on the reasons for our present policy. We just heard Dean Rusk on TV. He said that the President was acting as Congress wanted him to. But aside from your speeches and a few others we don't think there has been a chance for Congress to debate the question fully.

Very truly yours,

JOEL and BARBARA DIRLAIN.

BRYN MAWR, PA.,
March 9, 1965.

SENATOR WAYNE MORSE: I strongly endorse your feeling about our position in South Vietnam.

I am a retired schoolteacher having served 42 wonderful years with the future citizens of the United States. I hope and pray none of these former pupils of mine will shed their blood in a war in which I feel we should have not been involved, now or never.

May God bless your effort in preventing such a massacre.

Yours truly.

MARIAN C. CROOK.

CAMBRIDGE, MASS.,
March 9, 1965.

DEAR SENATOR MORSE: I am extremely glad that you are making your misgivings, to say the least, about our present policy in South Vietnam known in the Senate. You seem almost alone in your public opposition. I am not as informed or as convinced as you in this matter, but do feel that our present policy of bombings, etc., is likely to end in failure. Do you have a statement of your views and/or working alternatives to our present policy that you might send me?

Sincerely,

PETER W. CASTLE.

MARCH 8, 1965.

DEAR SENATOR MORSE: Last night I listened to the taped discussion you and Hans Morgenthau made for WBBM radio station. I agree with you wholly. After seeing the newsreel of Selma, Ala., and the treatment of our Negro people there I think the marines should have been landed there to protect the Americans of Negro blood treated so savagely. Note I did not use the word "citizen"—that privilege having been denied them so long.

I am Caucasian but hate to see such injustice.

Sincerely,

MARY WAUNETAH MANLEY.

CHICAGO, ILL.

CHICAGO, ILL.,
March 9, 1965.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I am writing to support you in your position regarding our Nation's role in the Vietnam conflict.

I agree that troops ought not to be sent unless a war is declared by Congress. In my opinion, our Federal troops would make a greater contribution to freedom if they were sent to Selma, Ala., to protect our citizens from the guns, billy clubs, and horsewhips of racist State troopers and other segregationists.

Further American involvement in Vietnam, in view of the growing peace movement there, can lead only to stronger anti-American sentiment. A negotiated settlement appears to be the only sensible solution to this difficult situation.

Sincerely yours,

HELEN KARANIKAS.

WATERBURY, CONN., *March 11, 1965.*

Hon. Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I am writing to you because you seem to be one of the few sane people left in our Government, unless the others are afraid to speak out.

First, I want to thank you for your expressions of reason and humanity. It seems like the only ray of hope left in the madness that is overtaking us. Isn't there anything we can do to stop it?

It's true, I'm a mother of two sons, God bless them, but I can honestly say that I feel sorry for all the world's children who have to live under the threat of nuclear war, and now with the possibility and even the probability of it.

President Johnson was elected as a Democrat, but he is following the warlike path of the Goldwater Republicans. He was elected on a peace mandate, but he is listening to the Pentagon or the Military Establishment. Can't he see that the military mind is warped and sees the world in terms of military strategy, assuming the military posture for any problem that arises?

Vietnam and the Selma, Ala., incident only reveal how callous we have become toward human life. This is why the military attitude can brainwash the people into thinking that we must bomb China, even with nuclear bombs, before China gets nuclear bombs. People just don't matter anymore. I should think that people would rise up en masse and demand that we stop this killing. Can't they see the discrepancy: using bombers against guerrilla fighters? And now we are going from this immorality to greater immorality, in the name of anticommunism. The southeast Asians will hate us for killing them off. We are driving them into communism, not stopping its spread. Why can't we treat them as human beings and help them better their lives, so that they won't accept communism?

Please, I beg of you, do what you can to make President Johnson listen to reason and humanity. We mothers want our children to live and to have a livable world to grow up in. If we would teach them love instead of hate, we would win over even the Communists to love instead of hate. Killing them and our children off will get us nowhere except to "hell on earth."

Thank you very much for your kind attention, and good luck.

Sincerely yours,

DOROTHY STEIN
Mrs. Morris Stein.

AQUILA PRESS, INC.,
Noblesville, Ind., March 10, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: For some time I have noted your intelligent and courageous stand in respect to our position in Vietnam. I want to commend you for your forthright thinking both in your appearances on TV and in the CONGRESSIONAL RECORD. Thinking Americans should be grateful for your leadership in the U.S. Senate.

Although our basic efforts are in the field of social-economic reform so that our best technology can be fully utilized for the maximum good of all the people, we know that prevention of nuclear war must have first priority. I am enclosing a copy of our magazine, the Eagle's Eye, which contains the main article on Vietnam.

We would appreciate being on your mailing list for any releases from your office.

Very sincerely,

MELFORD PEARSON.

COMMUNITY CHURCH
(CONGREGATIONAL),
Hubbard, Oreg., March 11, 1965.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I want to tell you I am glad you are speaking out as you do in opposition to the escalation of the war in Vietnam. I think the situation is very dangerous. I can't think of a worse place to be involved in a conflict that could escalate into nuclear war. I agree with you that we don't even belong there in a military way.

Keep the good work up.

Sincerely,

THOMAS MCCAMANT.

L. G. HANSCOM FIELD,
Bedford, Mass., March 11, 1965.

DEAR SENATOR MORSE: I am moved to write to you, having noted the letter published in the Boston Herald, Boston, Mass., yesterday.

You are right—we do not belong in Vietnam, and you are a most eloquent speaker on this subject.

I hope that you keep right on, giving voice to your beliefs on the subject, and perhaps, in time, you will win more people to your way of thinking.

You do not know me, but I am a person who grew up in Baker, Oreg., went to Oregon State University, later worked in Medford, with the Public Welfare Commission, and married a young man from out of State.

We have been here and there through the years and hope to live in the Far West some day again. My sister is married to John P. Kerns, who is a son of the late J. W. Kerns in Klamath Falls. We have had copies of the Oregonian describing the great damage wrought by the storms and floods. I hope that Oregon will have some Federal help in

getting the roads rebuilt so that the lumber industry can be fully operational again.

My husband and I are on your mailing list and we wish to continue to receive news of Oregon and your own activities for its benefit.

Sincerely,

RUTH HILL HALLIWELL.
Mrs. Edwin H. Halliwell.

CANTON, MASS.,
March 11, 1965.

DEAR SENATOR MORSE: Please continue to speak out against our escalation of the war in Vietnam.

The white paper was absurd. If that is all the evidence we have, than North Vietnam is helping the rebels less than I imagined they were.

I am opposed to bombing, attacks, particularly those against North Vietnam. Bombing is too inaccurate a weapon. I suspect that the more we bomb the more rebels join the Vietcong.

My ancestors fought against the British in the American Revolution. I'm ashamed to see American troops playing the role of Hessians in an Asian revolt.

Please continue to advocate negotiations. We should ask U Thant to sponsor peace talks.

Sincerely yours,

B. F. GREENE.

LA GRANGE PARK, ILL.,
March 9, 1965.

Senator MORSE,
Senator from Oregon,
Washington, D.C.

DEAR SENATOR MORSE: I heard over a broadcast a few days ago that you were objecting to the undeclared war in Vietnam.

I had despaired of any Senator standing upon and objecting to the usurpation by the executive branch of the right of Congress only to declare war. The State Department, says it isn't a war, but I don't think that it can pull the wool over the public's eyes to that extent.

I applaud your stand, and only wish that you were not a voice crying in the wilderness.

Sincerely,

W. R. HOMAN.

DENVER, COLO.,
March 10, 1965.

WAYNE MORSE,
U.S. Senator from Oregon,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: I wish to thank you for your efforts in arousing public opinion to the necessity of a peaceful settlement in Vietnam and of our flagrant violation of international law there. I have just sent letters to my two Senators and my Representative urging that U.S. troops get out. I also urged that those troops be sent to Alabama instead.

I am a former resident of Oregon, and I had the pleasure of voting for you there. I wish that a man of your stature represented Colorado.

Sincerely,

WAYNE MUELLER.

EAGLE ASSOCIATES,
San Francisco, Calif., March 6, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

HONORABLE SENATOR MORSE: Please accept my commendations for your valiant efforts to change our position in Vietnam and thus to set us on a more moral and humanitarian course. We have no legal or political rights in Vietnam and are clearly and openly aggressors. It is the highest exercise of patriotism to oppose the policies of our Government when it is so patently wrong, for it serves to correct this wrong position, thereby strengthening it.

All considerations of humanity, morality, legality, military feasibility, or political wisdom aside, the Vietnam venture is harmful rather than helpful to our security and economic stability. It absorbs the energies of our best men, Lodge, Taylor, the Bundy brothers, Rusk, and countless generals, admirals, and others as well as the President. The talents of these men can be better employed elsewhere. It contributes to our economic instability by depriving us of much needed gold and constitutes a considerable portion of our balance-of-payments deficit.

Sincerely yours,

EUGENE EAGLE, O.D.

CHAPEL HILL, N.C.,
March 10, 1965.

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: I guess I haven't always agreed with you in the past, but I do completely on this Vietnam affair. I have read all I can find on the matter, and I guess I've become what Walter Lippmann calls a neoisolationist.

Perhaps you can tell me how best to approach our two Senators on this matter. I would like to make a letter to each of them meaningful enough to awaken them to the folly and danger of our involvement and would appreciate any advice.

I have written to President Johnson about this, and I intend to write to Senator FULBRIGHT who seems (except on the racial matter) one of the more sensible of your colleagues.

Couldn't you get one of the TV networks to set up a debate or panel or something of the sort in which you show (publicly and for the Nation to see and hear) the position you hold? I would dearly love to have you give Mr. Nixon a little lesson in statesmanship.

Keep up the good work you are doing and let me know how I can help.

Sincerely,

C. CARROLL HOLLIS.

ALLYN, WASH.,
March 5, 1965.

DEAR SENATOR MORSE: We wish to once again thank you for your efforts to modify our country's actions in southeast Asia. Our church group, after considerable study, agree that you represent the proper course. We have written our President asking him to reconsider our present stand.

Very respectfully,

Mr. and Mrs. L. C. MORSE.

SANTA FE, N. MEX.,
March 8, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Please accept the thanks of a citizen who is not one of your constituents for your outspoken and repeated opposition to the escalation of the war in Vietnam.

I am in agreement with you 100 percent on this issue, and hope that you will continue to voice the opinion of those of us who believe with you that increasingly belligerent activity on the part of the United States in this area is dangerous, unnecessary, and entirely counter to our best traditions.

Sincerely,

ISABEL R. CARROLL,
Mrs. Thomas A. Carroll.

NORWICH, N.Y.,
March 10, 1965.

Senator WAYNE MORSE,
Senate of the United States,
Washington, D.C.

DEAR SENATOR MORSE: Although you are not the Senate representative from my State, I would like to congratulate you on your stand on the administration's policy in Vietnam.

This country's present policy in Asia cannot bring the desired results, it can only lead to a major war and disaster.

I urge you to continue striving for a peaceful settlement of the issues, and I urge you to continue your opposition to the administration's current policy.

Respectfully,

JOHN J. LUCAS.

BALTIMORE, MD.,
March 10, 1965.

DEAR SENATOR MORSE: I have long been deeply appreciative of your clarity and courage in urging our withdrawal from Vietnam. I hope that you will not become discouraged and will continue to work to extricate us from a situation in which the worst of emotions seem to be making the decisions, rather than reason.

You are giving voice to the conscience of mankind.

Most sincerely,

EVELYN HOWARD.

MARCH 8, 1965.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

MY DEAR MR. MORSE: It seems to me that our country is heading into a mess that we will regret in Vietnam. Our only hope is in what power our Senators and Congressmen have. The present administration seems to carry its own poll in its pocket for reference. Surely it is not listening to the popular sentiment (Gallup—80 percent to negotiate). Please, Mr. MORSE, listen to us. Stop this lunatic drive toward no return. Negotiate.

Sincerely yours,

MARION C. THOMAS.

BURTON, WASH.

UNIVERSITY OF CALIFORNIA,
Berkeley, Calif.

DEAR SENATOR MORSE: You win my vote for the greatest Senator of our time; this is of course due to your courageous position on Vietnam.

Sincerely yours,

STEPHEN SMALE,
Professor of Mathematics.

LITTLE ROCK, ARK.,
March 7, 1965.

DEAR SENATOR MORSE: I commend and support you, sir, on the stand you have consistently taken in regard to Vietnam. This is statesmanship of the highest order at a time when it is most needed. I have followed your public career for many years and have always found you to have the courage of your convictions regardless of whether or not the issue was domestic or foreign affairs and whether or not the stand you took was the "popular" stand.

Why should we try to tell Vietnam how to run its affairs when we can't even guarantee the privileges of citizenship to people in Mississippi, Alabama, and other places? It seems to me we are driving the Philippines, Malaysia, India, and other Asian nations toward the Communist camp by our actions in Vietnam. This is certainly no way to gain or hold the confidence of the Asian people.

I firmly believe that peace is within our grasp if we could but see it. No, the world would not be as we would have it, but at least we could agree to disagree agreeably. Just who do we think we are, anyhow? Going into a situation like Vietnam on our own and without United Nations sanction?

Keep up your efforts. There is an ever-growing minority coming around to your sensible thinking on this important matter.

Very truly yours,

TED H. CRABTREE.

P.S.—As you can see, among other things, I'm not a typist.

MARCH 5, 1965.

Hon. Senator MORSE,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Bless you for your stand on "peaceful negotiations" in Vietnam. Thank God for our precious Senators who have courage, mingled with wisdom. They are in the minority.

Why President Johnson is letting this killing continue, without even considering to negotiate is beyond my realm of understanding.

My heart bleeds for the American boys who have died in Vietnam, but my heart bleeds for the 43,000 Vietnamese people who have died already.

We must stop this killing, or risk nuclear holocaust.

God bless you always.

Respectfully,

Mrs. WALTER CARTMELL.

GROVE CITY, OHIO.

RANDOLPH, N.Y.,
March 10, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: My husband and I fully support you and those colleagues who recommend negotiation and withdrawal from Vietnam. We believe that war has been canceled out in this era of the bomb.

It is morally irresponsible to continue to depend on a militaristic foreign policy. Even to preserve "freedom." For freedom cannot be preserved while we are at war. We are all slaves to this policy when we dare not speak out according to our true convictions. Fortunately some of us are not afraid, including yourself, for which I am supremely grateful.

We have lost prestige. It is now "us" against the world. The United States can gain back its prestige only by cooperation among all the nations of the world to improve the human condition. China and Russia have both, in the past 4 years, called for such cooperation which we have firmly ignored.

It is only through recognition of Red China that we can ever hope to begin to set the world on an even keel. Then we could leave no stone unturned to seek all avenues of agreement between both China and Russia and ourselves.

We are ruining our relations with Russia as we seek to prove that China has been right about us all along. It is frightening to think what effect this can have on the Government of Russia. Perhaps another overthrow would mean a much harder line toward the West.

So much could be said, but I shall close with best wishes for your success. Do not betray the American people as our President has done. Keep freedom alive for without it we cannot have peace.

Very sincerely,

LAURABELLE T. RICE
Mrs. Edwin R. Rice.

COLUMBUS, OHIO,
March 10, 1965.

Senator WAYNE MORSE,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: As a mother of two young children I wish to thank you from the bottom of my heart for your brave stand on the Vietnam crisis. Our children's future is already hampered by the moral situation here in America and instead of trying to clean up our own backyard we are spending millions sticking our nose in somebody else's business. I hate communism as much as anyone but if the majority wants it who are we to change their minds?

God bless you.

Mrs. DONNA LOWER.

GARDINER, OREG.,
March 8, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

I wholeheartedly support your position regarding our undeclared war in Vietnam.

As time goes on it is more and more evident that the U.S. position is a very bad one. We can only continue to lose not only the war but also the respect of the nations of the world.

Respectfully,

DONALD W. BROWN.

MOUNT PROSPECT, ILL.,
March 8, 1965.

President L. B. JOHNSON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Last night, I heard Senator WAYNE MORSE and Dr. H. Morganthau of the University of Chicago discuss the Vietnam situation on an audience-participation program over Chicago radio station WBBM.

I am sure it will interest you to know that over 80 percent of the persons calling WBBM disagreed with our present Vietnam policies. It was my belief over 90 percent of the individuals fully agreed with the viewpoints held by Senator MORSE and Dr. Morganthau.

I am one of the individuals living in a suburb with a heavy concentration of Republican voters, who worked long and hard for your election. One of the reasons I voted for your administration was because of my complete disagreement with Senator Barry Goldwater's viewpoint on how he would handle the Vietnam situation.

It is most discouraging to see we seem to be pleasing the minority that agreed with Senator GOLDWATER during the election and causing dissatisfaction among the majority that voted against the policy of bombing raids on Vietnam.

During World War II, I participated in 30 bombing missions over Europe. Our base in England was being bombed night and day by the Germans. These bombing raids did not weaken our morale. On the contrary, they made us even more convinced our cause was just.

I strongly urge you to seek a negotiated peace in Vietnam.

I also wish to see more action on the injustices taking place in Alabama and Mississippi when U.S. citizens are deprived of their constitutional rights to register to vote. I feel it is more important for us to defend democracy within the continental limits of the United States than try to bring about democratic principles in distant lands while many of our citizens are deprived of their constitutional rights.

I wish you much success in your progressive administration programs that do not deal with our present Vietnam policies and pray that we are able to obtain a negotiated peace in Vietnam before it is too late.

Sincerely yours,

F. J. GONZALEZ.

POTTSTOWN, PA.,
March 10, 1965.

DEAR SENATOR MORSE: Your remarks on Vietnam are the most daringly truthful of those I have heard expressed. Don't let yourself get whipped in line by the warmongers. There are just a few Senators who have the courage to maintain their identity. The others sound like parrots. The future of this country in the next decade will depend on leaders like yourself—men who realize the great revolution of mankind emerging as a powerful political force throughout the world. It we want any friends, we will have to stop being the "heavy" in the world and support left leaning revolutions which are inevitable. Our domestic policy is much further to the left than our foreign policy. If men like yourself do not act, we in this country will have drained our resources and neglected our domestic problems. Our children will be shackled to a huge national debt derived from our blunders. This is certainly not the worst thing. They will have to raise their children in a less desirable atmosphere than we live in now, with the whole world alined against us because of our useless goals of our obsolete foreign policy. After Vietnam, what next, Latin America, Africa? This can go on and on. Is this the heritage we want for our children? Our children need colleges now so they can enter the next decade gracefully. There are hundreds of other urgent items which need our attention more than Vietnam. Informed Americans know that we have no more right in Asia than Asians have in Selma, Ala. I wonder if there are any Negroes from Selma in Vietnam. If there are, I wonder if they ask themselves, "What am I doing here?" I am sure the answer usually given by our top men won't inspire them much. I don't think Martin Luther King would feel a trip to Vietnam by him would be in the best interest of freedom.

We need a change in the State Department with their horse-drawn ideas, and we have to get the CIA out of foreign affairs which should be left up to Ambassadors. The Cuban fiasco, a product of the CIA; the Khrushchev and Eisenhower peace talks which were sabotaged after a long preparation, by the U–2 hoax, another CIA incident; and the Congo crisis caused by the white mercenaries, were armed, trained, and paid by the CIA. The CIA is starting to make the Gestapo of Hitler's time look like schoolboys. Most of the CIA adventures are against international law as well as our own. After Vietnam is settled, the CIA has to go.

Yours truly,

JACOB M. SCHOLL.

PHILADELPHIA, PA.,
March 6, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

SENATOR WAYNE MORSE: There are many people who strongly support your logical and courageous stand on the Vietnam crisis. Please continue to make your voice heard; you represent those of us who are extremely concerned over the military direction of U.S. policy there.

Mrs. RUTH HARVEY.

REDMOND, OREG., *March 10, 1965.*

Hon. WAYNE MORSE,
417 Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: We have noted with dismay the march of events in the Vietnam situation along the very course you predicted almost a year ago. Your warning at that time that certain elements were deliberately working to create an expanded military operation is seen to be founded on factual knowledge, and that adds substance to your recent warning concerning eventual involvement with Red China.

We support and applaud your stand on this issue. We concur in the views you have given, and express our hope that you will continue to alert the people to the insidious dangers that lurk in the current U.S. policy in southeast Asia.

Discussing current events with friends, acquaintances, and even strangers, we notice most people quite dubious as to a hope of desirable outcome in the Vietnam matter, but find few who are forthrightly critical. Confusion resulting from observance of the inconsistency between the administration's statements and actions seems to inhibit rational consideration.

So we are grateful that in Senator MORSE we have a spokesman who gives a candid exposition of the verities that do exist. Our fervent hope is that more of our national legislators will assert the prerogative of that branch of our Government to keep at least some braking pressure on the administration and its war-bent military advisers.

Our very best wishes.

Sincerely,

DONALD S. KNOWLES,
MRS. DONALD S. KNOWLES.

CLAYTON, MO.,
March 11, 1965.

Senator WAYNE MORSE,
Senate Office Building
Washington, D.C.

HONORABLE SIR: What has happened to your wonderful stand on negotiated peace in Vietnam. We need your magnificent stature to help save the human race.

Please continue.

Respectfully,

MILTON R. ISRAEL, M.D.

SOUTH SIDE PHYSICAL MEDICINE CENTER,
Chicago, Ill., March 10, 1965.

DEAN RUSK,
Secretary of State,
Washington, D.C.

DEAR SIR: This note is to register my emphatic dissent with respect to your policy in South Vietnam. My reasons for dissenting are numerous and it would be presumptuous of me to burden you with all of them, especially since you already possess full familiarity with these reasons.

I want to say that my frustration as an American citizen goes beyond the matter of finding myself in disagreement with the policy my Government is following. My special conundrum is that the party and political standard bearers for whom I, as an independent, voted, presented to the American public a clear image of those who planned not to escalate the war in southeast Asia. The campaign phraseology still rings in my ears. Now that phraseology has been converted to the policies in action of the defeated party that I voted against. I feel disenfranchised.

My faith in the sincerity of presidential candidates' statements is not as strong as it was. I feel that the creation of a climate of world peace has been set back substantially.

I trust and hope you still plan to negotiate a settlement which is honorable and is realistically compatible with a lasting entente.

I hope Senator WAYNE MORSE will hereby (on receipt of a copy of this letter) advise me what I may do to further this course. He has the support of the overwhelming majority of the people with whom I have personally discussed this matter. I hope I will influence others to write similar letters.

Please—an end to escalation. Not withdrawal, but a negotiated peace based upon reality and eventually self-determination of the local population.

Respectfully,

ARTHUR A. RODRIQUEZ, M.D.

MARCH 8, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: My family is newly restored to you as constituents. (Please enter the address below on your mailing list in place of past California and Connecticut addresses.)

We are late in expressing our support for your position on Vietnam, but we support you most fervently. Please persist.

Sincerely yours,

WILLIAM H. HALEWOOD.

PORTLAND, OREG.

ALBUQUERQUE, N. MEX.,
March 11, 1965.

Senator WAYNE MORSE,
Senate Building,
Washington, D.C.

DEAR SENATOR: I am receiving letters daily from all my friends abroad placing the United States of America in the same category as Nazi Germany because of our aggression in Vietnam. This makes me very sad and ashamed since I was in Germany during the reign of Hitler and cannot refute these charges.

Knowing you to be one of the same men in Washington who has urged negotiations, I want to assure you of my continued support and hope that you will continue to stand your ground. Otherwise, we are headed for total destruction.

Yours sincerely,

Miss PAULA MAENAK.

OBERLIN, OHIO,
March 11, 1965.

The Honorable WAYNE MORSE,
Senate Office Building,
Washington, D.C.

MY DEAR SENATOR: I wish to thank you for opposing our participation in the Vietnamese civil war. It is reminiscent of Senator ——— who courageously opposed our fighting the Filipinos at the turn of the century.

What have we to offer those unfortunate people in Vietnam. Anarchy? Death? Let us have the courage to admit that we are not omnipotent. We cannot undo the effects of French colonial policy and Diem's rule by willing it. By supporting Diem, I believe we lost the "mandate of heaven" in the eyes of the people. To remain as a reactionary force is repugnant to me. After all, when I read the story of the American Revolution, it is not the Tories with whom I identify.

Unfortunately for them, I do not think the Vietnamese have the chance for freedom, as we know it, whichever side wins. It's more a question of who will be left to sign the peace papers.

Yours truly,

Mrs. PHYLLIS KUESTNER.

HOLLYWOOD, FLA.,
March 10, 1965.

DEAR SENATOR: Woke up last night in a cold sweat, after dreamed that I was partly to blame for the Vietnam situation, because of voting for AuH_2O. On awakening I realized I had done no such damn fool thing.

Might as well have though. Our actions there, and lack of same in Selma, turns the whole wide world against us.

Page Welch. Are you conscious agents?

JOHN W. HARVEY.

PORTLAND, OREG.,
March 12, 1965.

SENATOR MORSE: The weight of one person's opinion seems like a futile thing but let me add my expression of opinion on the subject of Vietnam to those I know you are also receiving.

I feel the United States has no right legally to be in Vietnam at all. From all I have read, I am sure that technically this is true. But morally we have no right there. We say we are trying to stop the spread of communism when I feel that it is not our business what form of socioeconomic power structure they build. It may be our concern but it is not our business. I think there is a considerable amount of confusion generated by the equating of communism with the Russian Government or, in this case, communism with the Red China Government. I think we have far more to fear from the spread of China's power in the Vietnams than we have of the spread of communism. And I think the Vietnamese—North as well as South—feel the same way. Historically they have feared China. Since we will never never win in Vietnam (out of an unthinkable third and last World War), we are playing exactly into China's hands.

I am carrying this letter on for too long. If you have a pile of letters begging that our Government place this problem square in the lap of the United Nations—please add this to the pile.

Sincerely,

DON CONFREY.

P.S.—I know the U.N. is shaky. But that is how it grows and it needs to be pulled together and take another step.

CAMBRIDGE, IDAHO,
March 12, 1965.

Hon. WAYNE MORSE,
Senate Building,
Washington, D.C.

DEAR SIR: I just heard your statement over the radio about Vietnam and I cannot express my thoughts in words how thankful I am to you that you have so much courage in the time like this, when most of the Senators support the President's war policy in Vietnam.

I have talked to lot of Idahoans and most of them say "If the election were to be held today they would not cast their vote for Mr. Johnson." I would not vote for him now either.

I have written many letters to FRANK CHURCH from Idaho about Vietnam and I am very much satisfied that United States is fighting a losing war. I use to live there for some time.

I say thanks to your courageous work there, and my hat goes off to you.

Very sincerely yours,

EDWARD WILPONEN.
ADA M. WILPONEN.

BERKELEY, CALIF.,
March 9, 1965.

The Honorable WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: The Berkeley Democratic Club in special called session took the following position on the crises in Vietnam: We support the prompt negotiation of a cease-fire in Vietnam and settlement of the Vietnamese civil war under supervision of the United Nations. We oppose escalation of the American military effort in Vietnam.

We wish to send our thanks to you, Senator MORSE, for your outspoken stand on this subject.

Sincerely,

BERKELEY DEMOCRATIC CLUB,
ART WALENTA, *President.*
NAOMI MCLANE, *Secretary.*

BERWYN, ILL.,
March 12, 1965.

SENATOR MORSE: Thank you so much for your stand on Vietnam.

Present events bear out your contention that we (I sure don't) want to bomb Red China.

I would like to see peace in Vietnam soon.

Sincerely,

Mr. and Mrs. CHUTKA.

SPOKANE, WASH.,
March 11, 1965.

Hon. SENATOR MORSE,
Senate Office Building,
Washington, D.C.

MY DEAR SIR: Out here in the West we are very conscious of the great tragedy going on day by day, and we are also looking hopefully and listening to such courageous men as yourself, and Senator GRUENING, who are taking the Vietnam question seriously and asking for negotiations. I know it takes courage but without that in this case there will be no chance of survival—all of us older folks that had sons in the last war (we had five boys in it) do not want war any more—my dear husband now dead—went to Alaska to help in the last war as a civilian, and I

also worked to do away with war, and now look what we have to leave to the young folks. This note is written to thank you and commend you, and to tell you there are people all around us who are waking up to the fact that our foreign policy is all wrong.

Yours very truly,

Mrs. O. A. CONRAD.

EUGENE, OREG.,
March 12, 1965.

The Honorable WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: We are terribly concerned over the situation in Vietnam. We believe, as you do, that there must be a negotiated settlement between the south and the north and the United States must withdraw.

Your forthright stand on this issue is both constructive and courageous. We thank you and we pray that reason and right may prevail before the present U.S. policy of increasing military intervention leads to a full-scale Asian war.

Sincerely,

Mr. and Mrs. E. W. ANACHER.

FIRST BAPTIST CHURCH,
Junction City, Oreg., March 9, 1965.

The Honorable WAYNE MORSE,
U.S. Senate, Washington, D.C.

DEAR MR. MORSE: I admire your courage to speak up about Vietnam. When I read the enclosed news item and then the editorial from the Oregonian this morning I felt sure that many would agree with you and not with the editor. But since you people get so much criticism I want you to know you have supporters too.

I write as a World War II veteran, not a pacifist, and a registered Republican—for whatever that's worth.

Sincerely yours,

BEN E. VEGORS.

CHAMPAIGN, ILL.

DEAR SIR: Just wanted to let you know that I agree with your statements on Vietnam. Please keep doing whatever lies in your power to prevent escalation and to obtain a negotiated settlement followed by withdrawal.

When the President asks Congress to declare war, I'll be counting on you to lead the forces who try to defeat the request.

I have written to my own Senators, DOUGLAS and DIRKSEN, about my feelings on this matter. I have also written to HUMPHREY and Johnson. Is there any more that one lone citizen can do?

Mrs. B. ALBERT.

TUCSON, ARIZ.,
March 12, 1965.

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: In these times of great troubles in Vietnam it is very encouraging to realize that at least a few Members of the Congress realize the real situation in southeast Asia.

I am only 16 years old, but I feel that foreign policy of my country is important to all Americans, regardless of their age.

As far as Vietnam is concerned, I feel it is bad for any nation to defy a Geneva agreement and enter a country in the midst of a civil war. What is even more disturbing to me, is that our President, whose campaign I aided, seems to have no regard for human life, having ordered bombings as if they were a routine thing.

I hope that more Congressmen and Senators will see this argument and also urge the United State's withdrawal from South Vietnam.

Very sincerely yours,

KEN KAISERMAN.

CAMBRIDGE, MASS.,
March 12, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I attended your lecture here at Rinn Tech auditorium this evening and wish to applaud your comments in writing. Yours was the most cogent criticism of the U.S. policy, or what one can make of it, in Vietnam that I have yet heard from a public official. I only regret there was not more time for questions.

Your analysis of principles and the facts of United States, South Vietnamese, Vietcong, and North Vietnamese actions seemed sound; your concluding comments on social and economic goals were particularly appropriate. I find only one lack in the analysis and proposals you gave, and in those of your comments that have reached the Congressional Quarterly: Insufficient emphasis of the exceedingly diverse and complex cultural patterns of the peoples living in the area of land called Vietnam, as well as in southeast Asia in general, and their historically isolationist ways of life. No government or trusteeship that seeks to insure peace and promote social welfare can long ignore this complexity without serious weakening. The Vietcong certainly have not. Their provisional governments, as you are no doubt aware, are carefully tailored, as circumstances permit, to the variations presented by each community; their goal is not homogeneity or military victory, but simple expansion of control.

I look forward to hearing your voice continued in this much needed protest and hope you will be joined by some of your less bold colleagues before long. There is much need to show the President that he has neither consensus nor acquiescence on these issues.

Sincerely,

G. CRAIG BOLON.

PROVIDENCE MEMORIAL HOSPITAL,
El Paso, Tex., March 11, 1965.

The Honorable WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: This is a voice from such a far country on the border that you may hardly recognize it. At least I want you to know my thankfulness for your incisive thinking and clear courage on the Vietnam crisis. Power to you.

I have just read Hansen Baldwin's article advocating a million men and all that goes with it as the solution. So he would put that land and people through the meat grinder with our boys. Actually, I can't believe that he is serious unless he has taken leave of his senses. This would indeed be going it alone. We should recognize that he and his company are eyeless in Gaza, reaching for the pillars to pull down this temple of civilization upon us all.

With every good wish,

Cordially yours,

PAUL NEWTON POLING,
Chaplain.

BERKELEY, CALIF.,
March 11, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SIR: I honor and commend you for your intelligent, hence courageous, stand on American military participation in Vietnam. It is now overwhelmingly clear that such participation, especially the attacks on North Vietnam, do not even make sense militarily, let alone diplomatically or ethically. I devoutly hope that your judgment of this as preparation for a war on China proves to be wrong. Perhaps because of your speaking out it can be avoided. I honor you for your stand and hope that you will be able to maintain in the face of majority pressure for war and irrational action. I hope that your example will stir your colleagues to like action, and to an examination of the realities, as opposed to the rhetoric, of the situation.

Best wishes for yourself, and for the tiny voice of sanity you represent.

Sincerely,

NANCY ODINOV.

INDIANAPOLIS, IND.,
March 8, 1965.

DEAR SIR: I admire your courage in the stand you have taken on the crisis in Vietnam.

My hopes, and prayers are for you. I truly believe that our only hopes of averting an all-out nuclear war is to withdraw our troops, and negotiate for peace. For the sake of all present and future Americans hold firm in your stand for peace. May God bless you.

Thank you.

Mrs. ROBERT RICHARDSON.

NEW ROCHELLE, N.Y.,
March 12, 1965.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: We are truly grateful to you for your enlightened and courageous stand on our disastrous policy in Vietnam. We strongly support your call for a negotiated settlement.

Very truly,

Mr. and Mrs. ELIAS TANENBAUM.

MARCH 10, 1965.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I wish to commend you very highly for your stand in favor of peaceful negotiation of the present conflict in Vietnam. You may be sure that millions of intelligent American citizens back you in this stand and are not taken in by the present dangerous policy of the administration to escalate the war. President Eisenhower, in making his farewell address to the Nation, warned of the menace to freedom by a powerful "military-industrial complex." It certainly seems that this group now dictates policy and humanity is again faced with the terrible danger of a thermonuclear holocaust.

Keep up your struggle against the forces which are leading mankind to disaster, continue to be fearless in exposing them, disregard the criticism of colleagues who have jumped on the bandwagon of "brinkmanship" and know that you are on the side of the human race and certainly have the backing of the majority of our citizens whose voice is not heard by the ruling clique.

Sincerely,

ROBERT W. HELRIEGEL.

SAN FRANCISCO, CALIF.

ASHLAND, OREG.,
March 10, 1965.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I hope the letters and poll printed on the page of the San Francisco Chronicle enclosed will encourage you in your fight against our increasing, and increasingly futile and murderous meddling in Vietnam, where we've far less excuse and chance of success than King George III had in his American Colonies in 1775–83. It's sad we've forgotten so much, so soon—but please keep trying.

Yours truly,

ROBERT IAN SORT.

[From the San Francisco (Calif.) Chronicle, Mar. 9, 1965]

VIET PULLOUT IS FAVORED IN POLL

The northern California public is disenchanted, dismayed, concerned and confused by the state of affairs in South Vietnam, ac-

cording to the balloting in the Chronicle poll on the Vietnam dilemma.

Two out of three respondents say they are confused about what we are fighting for, six out of seven say they are disenchanted over the South Vietnamese Government, and the depth of their concern is made evident by the large number of comments which they enclosed with their ballots. In letters to the editor today will be found a sampling of these views.

Although the Johnson administration seems committed to a hotter war, northern Californians are opposed to intensifying action in Vietnam. Their answers to question 2, for example, show only 14 percent favoring increased action; 24 percent are for holding the line against a wider war, but the majority opinion of 54 percent actually wants to see the United States pull out of South Vietnam. Respondents do not feel that U.S. security is at stake there; 80 percent deny that our security is essentially involved. (The State Department, however, is sending form letters to its correspondents saying: "We are involved in Vietnam because * * * our involvement is essential to American security.")

In an altogether confused situation, what seems clearest is the desire of the Chronicle poll respondents to get the United States extricated somehow from Vietnam, to get the United Nations to accept responsibility for maintaining Vietnam's territorial integrity and to seek the neutralization of the country through negotiations involving the major interested nations, including Communist China and the Soviet Union.

The percentage favoring the bringing of China and Russia into negotiations was 82, which corresponds precisely with a Gallup poll sampling of nationwide opinion.

In a dispatch to the New York Times, James Reston wrote after a journey through the South that he had found the mood in the country about Vietnam to be an odd mixture of concern and trust in the President. Reston heard no serious discussion of the Vietnam problem. To judge from the intensity of feeling displayed by most of our respondents, that is not the case here.

CONFUSION AND CONCERN OVER VIETNAM DILEMMA

Alice E. Ginn, and Jimmie Ginn, San Francisco: "If the United States had not gone to South Vietnam's aid in 1954, it seems certain that the Vietnamese would be ruled by a government of their own choice. They have had, instead, a series of military dictators fighting for U.S. handouts. * * *

"Democracy, by definition, cannot be imposed. A correct U.S. policy in Vietnam should stem from the principle that a government derives its just powers from the consent of the governed."

Walter Gerstel, El Cerrito: "We must end the disastrous Kennan-Dulles containment doctrine in favor of positive, peaceful measures of the foreign aid without military and political interference, perhaps of the Peace Corps type.

"Leaves from the 'Teahouse of the August Moon'—again we are finding ourselves teaching the natives democracy even if we have to kill every single one of them."

Gilbert F. Whipple, San Francisco: "A traditional peasant population which has suffered the dubious advantages of 60 years of French colonial rule, Japanese occupation and then a succession of reactionary autocrats and military strongmen and which has been brutally terrorized by the forces on both sides of the conflict, confined in concentration camps and shuffled about the country, is unlikely to recognize the inherent advantages of constitutional government and the free enterprise system, in whose name these barbarities have been committed.

"The really unfortunate fact is that in this instance even blowing the whistle for the Marines will not solve the problem. Short of the direct application of nuclear devices the United States would never be able to win a ground war against the Chinese on the southeast Asian peninsula."

Carolyn Allfree, Woodland: "Thank you for your thought-provoking questions. They helped to clarify the problem in my mind and lead me to examine my opinions and personal motives as a citizen of the United States and of the world."

Walter Ballin, San Francisco: "I believe that the 14-nation Geneva Conference should be resumed. The conference should agree on a coalition government (consisting of the right-wing, moderates and leftists) for South Vietnam. This government would pave the way for free elections. The people would probably vote for communism, but if that is what the people want, that is their right, and no nation (including the United States) has the right to interfere in the internal affairs of another country."

M. Mattson, San Francisco: "I think that it is idealistic to hope that we will win the war the way things are going. Unfortunately, we simply must fight harder in order to progress to victory. South Vietnam's war is now also our war. Our prestige, for whatever it's worth, and our security, indirectly, are involved and threatened. The United Nations is simply not strong enough to contain the war, although, I agree that it would be much safer to hand the whole thing over to them * * *

"South Vietnam is simply another Communist stepping stone to world domination. They must be stopped somewhere. South Vietnam is just as good as anyplace."

H. E. Soderstiom, Healdsburg: "It seems to me that the Communist issue is greatly overdone in Vietnam as it is elsewhere. I think the issue in Vietnam is the age-old issue of the people versus the landed gentry plus the military.

"Why is it that our country, founded in revolution, always takes the side of the status quo, against the revolution?"

George S. Koch, Berkeley: "It seems to me senseless to carry on military operations in a country where it would seem we really are not welcome by the majority of the people. At least the people (the little people) do not seem to want our kind of freedom and democracy, as they know it by our actions—air raids on villages where nonmilitary people are killed and so on.

"Before it is too late—let us get the world into a conference to settle this affair—our do it yourself program just isn't worth it."

R. S. Adams, Oakland: "I am convinced that the Vitnamese people would be better off with a Communist government than they have been under the control of foreign military and Roman Catholic rule.

"United States ambitions in Vietnam include all the evils of extraterritoriality from which China suffered until the Communists ended it. This opinion does not all imply a favorable attitude toward communism in the rest of the world—but it would probably be an improvement over the status quo in South Vietnam where, again, the Catholic politicians block all social evolution."

John Laurie, Nevada City: "The issue of the war in Vietnam is the same as the issue of the Korean war. The issue is whether the Communists should be allowed to conquer and subjugate the world by the use of force. The value of Vietnam lies not in whatever small strategic value it may have. Vietnam is a symbol to the entire world of our determination to resist the spread of communism and to allow the peoples of the world to choose their political philosophies by their economic and social merit rather than by their local military strength.

"We must * * * make it our intention to supply enough aid to the Vietnamese people to insure the speedy defeat of the Vietcong aggression."

Walter S. Strauss, San Rafael: "In particular reference to question No. 5, I feel that there is a very substantial difference between the Vietnam and the Korean conflict.

"In the latter, the United States had support from other members of the United Nations and, certainly full support and cooperation from the South Korean Government and people. None of this is true in Vietnam."

Dorothy Heinemann, Concord: "If the United States became almost hysterical at the thought of Cuba, 90 miles away, being a base for weapons not marked 'made in U.S.A.' and demanded their removal, is it then perfectly all right to fill up Vietnam and Laos and the South China Seas with American weapons just as close as we can get to China with whom we decline even to speak?

"Is it 'unprovoked aggression' when a person born in Vietnam, and whose parents and grandparents were born there, sets off a bomb at an American military installation in their country, and then is it perfectly all right and a victory to burn and destroy Vietnamese people, houses and villages because someone there does not hold the officially approved made in America' opinions?

James C. Brown, Felton: "I believe the United States has problems enough here at home to solve and it is not necessary to expend billions in taxpayers' money and sacrifice the lives of our soldiers to impose our way of life on a people who clearly are not adapted to our kind of society.

"China has been exploited by Japan, Russia, Great Britain, France, and the United States. A new era has dawned and we must recognize that China is a dominant force in the world and any settlement of southeast Asian problems will have to have China's concurrence."

Philip S. Whalen, Palo Alto: "It is far past time to shape a more human definition of victory in Vietnam. The program of developing the lower Mekong Basin, in which several countries have already participated for several years, is eminently constructive, humanly beneficial, and relatively immune to political attack.

"Introduction of a United Nations presence in the form of a much-needed security force for that program would give the U.N. prestige and influence in southeast Asia. As a counter to Sukarno's and Mao's unprincipled, warlike goals there, this would constitute both a substantial and genuinely moral victory for us."

THE CHRONICLE POLL: RESULTS OF BALLOT NO. 45—DILEMMA IN VIETNAM

Following are the results of ballot No. 45 of the Chronicle poll which appeared on this page February 23. The percentages indicated are based on the total number of ballots received. Where the "Yes" and "No" percentages do not add up to 100, the difference represents ballots expressing no opinion.

1. Eleven years ago the United States began giving military aid and advice to the South Vietnamese to help them resist infiltration and takeover by the North Vietnamese.

(a) Do you think it was wise to take that step onto the mainland of Asia? Yes, 28 percent; no, 70 percent.

(b) If the United States had not gone to South Vietnam's aid in 1954, do you think communism would control the country today? Yes, 53 percent; no, 27 percent.

2. Today South Vietnam admittedly has not achieved the political and military stability which the United States set out to encourage, and the situation is deteriorating. Check which of the following courses of action you favor:

(a) Hold the line against widening the war. Yes, 24 percent; no, 16 percent.

(b) Increase action; do whatever it takes to win, even if that means widening the war. Yes, 14 percent; no, 34 percent.

(c) Pull out of South Vietnam. Yes, 54 percent; no, 16 percent.

(d) Obtain the U.N.'s acceptance of responsibility for maintaining the territorial integrity of South Vietnam. Yes, 53 percent; no, 11 percent.

3. From what you know about the principles of the South Vietnamese Government, are your sympathies with it? Yes, 12 percent; no, 76 percent.

4. Do you feel it is essential to our security that the U.S. Armed Forces hold South Vietnam? Yes, 19 percent; no, 80 percent.

5. Do you feel that the issues in the Vietnam conflict are basically the same as those in the Korean conflict? Yes, 44 percent; no, 44 percent.

6. General de Gaulle and U Thant are pressing for negotiations among the major interested nations for the neutralization of Vietnam and other parts of southeast Asia.

(a) Would you favor inviting Communist China and the Soviet Union to sit in on these negotiations? Yes, 82 percent; no, 15 percent.

7. U.S. forces in South Vietnam now number about 24,000. Many are draftees who complain they do not know why they are there or what they are supposed to be fighting for.

(a) Do you share this confusion? Yes, 61 percent; no, 34 percent.

(b) Would you favor a policy of sending only volunteers—not draftees—to military duty in Vietnam? Yes, 32 percent; no, 46 percent.

HELPER, UTAH,
March 12, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SIR: I want to tell you that I am in full accord with your opinions expressed concerning Vietnam. We have no business there and should get out at once. Our actions there is a worldwide disgrace. We are in there on the excuse that the South Vietnam Government invited us in to help. But that was some nine governments ago, and the Vietnam people are not with us in this struggle.

I am suspicious that the administration's real reason for intensifying the campaign there is to inveigle Red China into the conflict so we can, with some reasonable excuse, obliterate China's nuclear potential before they get it perfected. I vigorously disapprove of this, too.

It is disgraceful to know that the United States sends marines and others to establish "freedom," in Vietnam, while it will not do likewise for its own people here at home in South.

The most powerful country in the world cannot save a country from communism, or any other "ism," if most of that country's people do not also have their heart in the struggle. And the South Vietnam people do not.

Keep up the fight. Some one must. I wish that our own Utah Senators would do likewise. If I can help you in any way, I am glad to do so.

Yours truly.

G. T. HARRISON.

SCAPPOOSE, OREG.,
March 10, 1965.

DEAR SENATOR MORSE: Thank you for putting into words what many of us feel about our policy in Vietnam.

Our "escalation" of this war in North Vietnam and eventually China can only lead to world war III and disaster. We will bleed our Nation white in a 30-year war on the Asian mainland.

Please keep plugging away loud and clear until our President shakes loose of the war hawks and narrow thinkers and gets our Nation on the path to peace.

Sincerely yours,

RICHARD SAHOGIAN.

LOS ANGELES, CALIF.,
March 12, 1965.

Senator WAYNE L. MORSE,
Washington, D.C.

DEAR MR. SENATOR: I wish the President would listen to your advice on Vietnam.

His wisdom, practicality and morality are in sharp contrast to the phony psychology at the basis of our present policy.

I am dismayed and heartsick, after voting and working for Mr. Johnson, that he repudiated his campaign pledges and appropriated the mad policies of Mr. Goldwater.

You are a great patriot and I hope that you and your colleagues of like mind will get increasing support to result in a change toward peace instead of war (undeclared).

Thank you.

Yours very warmly,

HAROLD N. EVANS.

MEXICO, MO.,
March 12, 1965.

DEAR SENATOR MORSE: Please keep talking. Your voice is strength to thoughtful Americans and those of us who have sons in military service.

Gratefully,

MARY SEARFOSS.

CHICAGO, ILL.

SENATOR MORSE: Please keep on with trying to get us out of Vietnam.

Everything happening there proves out your contention that the United States wishes to get at Red China.

Enclosed is a column by Mr. Akers that has a quote made by President Johnson about Vietnam.

What a change from then to now.

What a "Great Society" we are getting.

Has Vietnam always been used as an excuse or is this of recent origin?

I hate reading the papers lately—all it is about is Vietnam, the racial strife out South, the teenage problems (I do not blame the youngsters, it is the terrible headlines they are subjected to; they feel they must live fast—they might not be around for long), the violence found out in the streets, etc.

Sincerely,

STEPHANIE CHUTKA.

[From the Chicago (Ill.) Sun-Times, Mar. 10, 1965]

TIME WILL TEST VIETNAM POLICIES

(By Milburn P. Akers)

On February 10, 1954, President Dwight D. Eisenhower said he "could conceive of no greater tragedy than for the United States to become involved in an all-out war in Indochina."

When he made that assertion the position of the French, who had spent nearly 8 years trying to reestablish themselves in their colonies of Vietnam, Laos, and Cambodia, was becoming desperate. They were destined to surrender at Dien Bien Phu in a few months.

Throughout that long and bloody struggle (France had an estimated 172,000 casualties, the Communist Vietminh more than three times that number, and approximately 250,000 civilians had been killed) the United States supported France unstintingly with economic aid.

As the French situation degenerated, Paris sent numerous emissaries to Washington seeking active military intervention by the United States, pleading, when its army was under siege at Dien Bien Phu, for an airlift of sufficient size to supply its troops.

It was in this context that President Eisenhower publicly stated his determination that the United States avoid an all-out war in Indochina. It was in the same contetx that a Senator from Texas, Lyndon B. Johnson, declared in Senate debate that he was "against sending American GIs into the mud and muck of Indochina on a blood-letting spree to perpetuate colonialism and white man's exploitation in Asia."

It was in the same context that Gen. Matthew B. Ridgway, then Army chief of staff, reported that "the price of victory in Indochina would be as great as, or greater than, that we paid in Korea." Ridgway also insisted that the United States could not win without involving its ground troops.

It was less than a year earlier that John Foster Dulles, then Secretary of State, had hailed the so-called Navarre plan as one "designed to break the organized body of Communist aggression (in Vietnam) by the end of the 1955 fighting season."

That turned out to be wishful thinking. Gen. Henry Navarre, author of the Dulles-approved plan to reestablish French control in Indochina, subsequently informed his government (in a secret report later made public) that the war in the southeast Asian peninsula could not be won in a military sense, and that all that could be hoped for was a "coup nul," or draw.

The French were fighting Vietnamese Communists in 1954; Communists who, in fact, were led then as now by Ho Chi Minh who had, then as now, Gen. V. Nguyen Giap as his chief military commander, one whose strategy and tactics proved superior to anything shown by the elite of the French general corps. The enemy was the same in 1954 as now.

The Geneva (Switzerland) accords of 1954, which came after the French surrender at Dien Bien Phu, split Vietnam in two. A Communist entity was established in the north and a supposedly pro-Western one in the south, for the revolt against French efforts to reestablish themselves did not receive united backing among the Vietnamese themselves. Many fought with the French.

The Eisenhower administration, which had supported the French effort financially and with military equipment, took the South Vietnamese regime of Ngo Dinh Diem under its wing and poured in vast amounts of economic aid and provided a group of 600 military advisers to assist Diem in training an army.

All the while the Vietcong—initially indigenous Communist guerrillas—were increasingly harassing the Diem regime. By 1961 they had gained such foothold that Ho Chi Minh, Communits master in North Vietnam, decided to play a bigger hand in South Vietnam.

The late President John F. Kennedy, decided to give Diem even greater assistance. Since the decision, the United States has become increasingly involved. It now has more than 26,000 soldiers and marines in South Vietnam; its Air Force is engaged both in South Vietnam against the Vietcong and in North Vietnam in strikes against Communist military installations. We continue to maintain the fiction, however, that we are in South Vietnam merely as advisers to the Saigon government.

The shape of things to come—still far from discernible—will demonstrate whether Eisenhower and his chief of staff, General Ridgway, were correct, or if Presidents Kennedy and Johnson, and Gen. Maxwell Taylor, followed a wiser policy.

Will the result be a "coup nul," as the French general predicted was the most that could be expected at that time?

MADISON, WIS.,
March 3, 1965.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I have had an opportunity to read only small snatches of your speech before the Senate in which you pointed out what should have been known by all long ago: that our foreign policy is in many instances our oil policy. As you no doubt know, the wire services and big city dailies in the Middle West ignored your speech in their reporting. Although I am not technically one of your people, I believe that all progressives look upon you as more or less their man for today. If it would be possible I would be most grateful to you and your office if they could send me the text of the above-mentioned speech in full.

Your position on Vietnam is, along with those of a few other sane Senators, the only reasonable solution to that rotten mess. Your position has the added virtue of having been proposed long before most of the others spoke out. For many years now I have respected you as a man who serves the people of the United States in their continuing battle against entrenched privilege, greed, and power. You are, furthermore, the greatest Senator since George Norris.

Very sincerely yours,

Rev. RUSSELL G. GEEN.

PORTLAND, OREG.,
March 9, 1965.

Hon. Senator WAYNE MORSE,
The Senate of the United States,
Capital Hill,
Washington, D.C.

DEAR SENATOR MORSE: Please continue in your stand against our Vietnam policy. All the many arguments against it that I can think of you have expressed better in your speeches. Yours is one of the few voices of reason—please continue to make it heard.

When I became a citizen of this country last year I did so with the conviction, which many Europeans used to share, that America was the great moral power in this world. This conviction is receiving a serious blow. Not only are we not acting in Vietnam's interest, but I believe, not even in our own. Please persevere in your efforts to enlighten Congress and the American people.

Sincerely,

BRIGITTE DEWOLFE
Mr. FRED DEWOLFE.

NAPLES, FLA.,
March 7, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

SENATOR MORSE: I agree with your views on U.S. foreign policy, Vietnam issue specifically. I only wish your opinions could be carried to the people with greater frequency. I know you spoke at Stanford this past week, yet I have not been able to find any coverage of your speech in the press. Is there any place to which you would direct me?

Yours,

MAC WADDELL.

EUGENE, OREG.,
March 13, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: You are commended on your fight to stop escalation of the war in Vietnam and to seek peace through negotiation. I urge you to continue in your efforts. The aggressive actions taken by our Government in that country become more and more appalling each day.

Sincerely,

JUDITH Y. NEWTON.

DETROIT, MICH.,
March 8, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SIR: I wish to express my wholehearted support for your courageous stand on immediate negotiations to end the war in South Vietnam. I would welcome your sending me copies of your speeches on this subject.

Enclosed is a copy of my letter to President Johnson urging an immediate end to the war. Please let me know what I can do to help you in your struggle for a peaceful world.

Sincerely yours,

MAX WENDER.

DETROIT, MICH.,
February 14, 1965.

President LYNDON B. JOHNSON,
The White House,
Washington, D.C.

DEAR PRESIDENT JOHNSON: I am horrified at our three unprovoked air-raid attacks against North Vietnam. If some foreign power had done this to the United States, we would all rise in indignation against such barbarism.

These air strikes are obviously moves in a titanic chess game played by our militarists, using the lives of 180 million Americans as pawns. When the game has been escalated to the point of firing off of atomic missiles, 100 million or more American lives, including your family and mine, will be sacrificed to the whims of these callous war hawks. None of the issues at stake can possibly be worth the extermination of our country.

I supported your election campagin because you and the Democratic Party promised us peace. When Senator Goldwater advocated the bombing of North Vietnam and the introduction of atomic warfare, he was considered a maniac and thoroughly repudiated by the American people. Now you appear to be carrying out the Goldwater suicidal war program.

The Pentagon war hawks must not be permitted to plunge the world into annihilation. I strongly urge that you take immediate and urgent steps to stop our headlong race into world war III. I recommend that you order the immediate return home of all our Armed Forces. This will not only assure the preservation of world peace, it will also put an end to our gold drain which is already shaking the foundations of our economy.

You now have the historic choice of unleashing a terrible atomic war which would destroy all humanity, or of taking your place in history as a great humanitarian alongside of Washington, Lincoln, and Roosevelt by acting to preserve world peace. Your ordering our Armed Forces to return home will have the support and blessing of the overwhelming majority of the American people.

Very respectfully yours,

MAX WENDER.

FOOTHILL COLLEGE,
Los Altos Hills, Calif.

DEAR SENATOR MORSE: Your recent speech at Stanford gives some of us who have dispaired of late at the turn of events in Vietnam some hope that we are not sliding down the grade of war without a whimper. Your voice of dissent loud and clear is a fine display of personal courage and high morality. It is necessary if our children are to learn that democracy means something more than "rally round the flag" in times of great issues.

I might say that your attempt to keep the press here from misinterpreting your speech by placing the body of that speech in their hands met with little success. The San Francisco Chronicle of Friday, March 5 made it seem as if you were accusing the Air Force of deliberately provoking a war with China.

Might I have a copy of that press release so that I may have it to document your opinion on this matter?

Yours truly,

W. E. TINSLEY,
Department of Philosophy.

SAN FRANCISCO, CALIF.,
March 8, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: You have my full admiration and support for your courageous stand on thet Vietnamese tragedy. If you have available copies of statements of speeches you have made on our Vietnam policy, I would appreciate whatever you can send. I would like to distribute them to those with whom I work.

Sincerely yours,

ROBERT DRESBACH.

KIRKLAND, ELLIS, HODSON,
CHAFFETZ & MASTERS,
Chicago, Ill., March 8, 1965.

Hon. WAYNE MORSE,
U.S. Senate, Washington, D.C.

DEAR SENATOR MORSE: Although I have heard comments of high praise concerning your taped interview last Sunday on radio station WBBM, I am disappointed that I was able to hear only the last portion of the broadcast. My personal inclination leads to serious misgivings concerning the direction of the administration's direction in Vietnam. However, the "news blackout" (particularly in the Chicago press) makes it difficult to make an intelligent evaluation of the facts pro and con which underlie the current course of events in southeast Asia. For this reason, the factual objectiveness of your remarks was refreshing and helpful to those seeking an enlightened evaluation of the U.S. commitments in Asia.

Since, as I mentioned, I was not able to hear the complete broadcast, I am anxious for further information. I wonder if you have reprints of any speeches you may have made in which you have detailed the factual basis for your beliefs concerning Vietnam. I would appreciate any such information.

Congratulations on your conscientious efforts to objectively challenge further U.S. commitments without full disclosure of the facts and enlightented debate of the consequences of such commitments.

Sincerely yours,

CRAIG W. CHRISTENSEN.

WINCHESTER, MASS.,
March 8, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I want to express my appreciation for your courage in speaking out against the present administration's decision to escalate the war in Vietnam. There has been a conspicuous lack of candor on the part of the President and his advisers regarding the situation there. That it has reached a critical stage is clear by now.

Your speeches on the Senate floor have been only very sketchily reported by the daily press and I would therefore appreciate receiving some of this material and your views.

Very truly yours,

F. M. WIENER.

FLUSHING, N.Y.,
March 12, 1965.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: I support your effort to persuade the President to mediate the war in Vietnam. Please continue; we wish we had more courageous people like you.

Please send me a copy of your speech of March 2, also any other material on Vietnam that you have available, including previous speeches of yours.

Thank you for your continuing efforts on behalf of peace.

Sincerely,

BEATRICE BOYER.

MELROSE PARK, PA.,
March 15, 1965.

DEAR SENATOR MORSE: My wife and I warmly support your position on Vietnam. To further that position I hope that you can do something to broadcast publicly the number of women and children that our successful air strikes in North Vietnam have succeeded in killing. The American people are entitled to know how many nonmilitary persons have to be mutilated or killed in order to prove that peace is the wisest policy.

Sincerely yours,

EDGAR H. SCHUSTER.
NANCY P. SCHUSTER.

EL CERRITO, CALIF.,
March 15, 1965.

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: We want you to know that you have citizen support in your pursuit of a sane U.S. policy toward Vietnam.

We feel we must seek peace under any circumstances in that country.

Sincerely,

PAUL LICHT, Ph. D.,
BARBARA LICHT.

BUFFALO, N.Y.,
March 15, 1965.

Senator WAYNE MORSE,
Senate Foreign Relations Committee,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: President Johnson's expansion of American aggression in southeast Asia shows his contempt for the American people who voted overwhelmingly for peace in last November's election. I am wondering if we have representative government any more, or has the Administration gone insane? It is very evident that the "military industrial complex" of which President Eisenhower warned has now superseded Congress in making important decisions, with the Pentagon sadists in the driver's seat.

The incinerating of helpless peasants and their children with napalm bombs, the herding of whole communities into concentration camps, the poisoning of food crops and destruction of homes are crimes which put the United States outside the pale of civilization. These barbarous acts have only been paralleled by the Nazi monster of Europe. And all these excesses are necessary we are told to "preserve freedom in southeast Asia."

At the trials of the Nazi criminals in Nuremberg, the Court held that the German people were equally guilty in that they failed to stay the hands of the sadists. All humanity, including the World Council of Churches, the Pope, and our European allies call for an end to this genocidal war and for an early negotiated peace. In reply, President Johnson lands additional forces in South Vietnam and steps up the bombing of North Vietnam. Someone is Washington is itching for a world holocaust. The collective voice of the American people must rise to a crescendo and stop these maniacs from destroying the world.

Your constant fight for peace, Senator, is well known and appreciated. While there is still time, a still greater effort must be made in Congress to stop the drift toward total destruction. I am fully confident that you will do more than your share to realize this worthy goal.

I remain,

Very truly yours,

MICHAEL CLUNE.

LINCOLNWOOD, ILL.

Senator WAYNE MORSE
Senate Office Building
Washington, D.C.

DEAR SENATOR MORSE: I have followed with interest your recent statements on our policy in Vietnam. For whatever good it does, I just wanted to thank you, since I agree substantially with them.

Sincerely yours,

REUBEN EISENSTEIN.

MARCH 15, 1965.

DEAR SENATOR MORSE: First let me tell you that I agree 100 percent with your stand on the Vietnam mess and I hope and pray that many more Senators will come to see things your way.

Second I also agree with you 100 percent regarding our foreign aid spending because it is just the same as throwing this good money and material down the sewer.

Third, do you print a newsletter like the one that Senator NEUBERGER does and if so would you please be so kind as to place my name on your mailing list.

And last but not least can we of the U.S. Postal Service count on you to support any fair legislation that our organizations might be seeking.

Please continue to take the independent stand when it is the right thing to do regardless if not popular with the Democratic Party. We need more men like yourself in the Congress and I hope and pray that you will be in the U.S. Senate for many more years.

May God bless you,

Very truly yours,

PETER A. CLARIUS.

STATEN ISLAND, N.Y.

CHICAGO, ILL.
March 13, 1965.

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SIR: Please accept my expression of admiration and gratitude for your efforts toward world peace. It is inevitable that men of your vision and courage are subjected to criticism and abuse but be assured that millions, like myself, are admiring and grateful.

Sincerely,

MAURICE H. SCHY.

BERKELEY, CALIF.,
March 13, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Your statement at Stanford University was an oasis of clarity in a desert of blind administration policy. Please be assured that many Americans cling to your continued courageous statements decrying American attempts to wreak its will in Vietnam through pure bullying power. Our course seems morally indefensible, and conceivably strategically ridiculous—or disastrous. Power politics in the nuclear age merits only derision, as an instrument of children—but the associated horrors force us to substitute shame and terror for laughter.

International policing and international consensus are the only goals worth working for these days. As the most powerful Nation on earth, we, above all, should lead the way toward such an end. We have the potentiality to be an inspiring force, but if we insist on attempting to rule the world, we can expect to go the way of Rome, Napoleon, and Hitler.

But while the country allows WAYNE MORSE to speak, I can still be proud of what the United States stands for—and hope that someday such voices will be multiplied sufficiently to change our militaristic stance.

Sincerely,

Mrs. MORRIS B. PARLOFF.

FRESNO, CALIF.,
March 12, 1965.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: I wish to take this opportunity to congratulate you on your principled stand in regard to the U.S. undeclared war in Vietnam.

In my estimation you are a giant among pygmies. Your steadfast stand is beginning to gain some support from other Congressmen.

It appears President Johnson and his clique are a stubborn lot so it is going to be a tough struggle to reverse their disastrous course.

Again, many thanks for your good work.

Yours respectfully,

ARMAS WIDGREN.

LONGVIEW, WASH.

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR MR. MORSE: Again, congratulations on your firm stand on Vietnam. You must try for more and more publicity of your views and your reasons for holding those views.

Your TV statements on Vietnam hearten me greatly. They make me realize that insanity is not unanimous in the U.S. Senate.

Respectfully,

RALPH W. JOHNSON.

CLEVELAND, OHIO,
March 16, 1965.

Senator WAYNE MORSE,
Washington, D.C.:

Please stop bombings of North Vietnam before we have a war with China. Negotiate.

THOMAS A. ZEITZ.

NEW YORK, N.Y.,
March 13, 1965.

Hon. Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR: Perhaps shock treatment might wake the President to the truth * * * that most of our people are against the Vietnam war. Start a movement toward impeachment. This might make the front pages and make everyone realize the insanity of our actions.

I voted for J.F.K. only because I was so much against Goldwater. Johnson promised peace. He has betrayed me and the American people, in fact, the whole world. The New York Times of March 7 even indicates he personally may have selected some of the targets for bombardment.

Bold action is indicated. Please keep up your wonderful work.

You are, to me, one of the few honorable Senators.

Respectfully,

HARRY HURST.

CHICAGO, ILL.,
March 14, 1965.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: This is to express strong support for your sane, courageous stand on South Vietnam. I have written many letters to Senators, Representatives, and others in support of your urging of nego-

tiations, a reconvening of the Geneva Conference, and the peaceful administration of Vietnam.

Thank you for your dedicated service to our Nation.

Respectfully yours,

MISS ELLEN THOMAS.

WOOSTER, OHIO,
March 12, 1965.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: From what I read in the papers and hear over the radio we seem to be getting more deeply involved in Vietnam each day. It sounds like we are not only involved in the civil war of an Asiatic nation, but are in the middle of a fight between Catholics and Buddhists.

There seems to be considerable doubt as to whether the majority of South Vietnamese understand what they are fighting for, and our present tactics may not help much.

On February 27 Drew Pearson's column reported Gen. Samuel Williams, former U.S. military adviser to President Diem, who says "Every non-Communist in a villege that we bomb is going to be a darned good Communist by the time we get through."

Several times recently I have heard a news report indicating that you are one of the few Senators who dares, not only to think for yourself, but to express your views even when most everyone else is "parroting" what they think the most influential Government leaders and citizens want to hear.

It certainly is difficult to understand why we can spend billions of dollars trying to preserve freedom and protect South Vietnamese from the brutalities of communism, but are helpless to prevent the same kind of treatment of citizens in Alabama and Mississippi by city and State officials.

Please continue your courageous leadership.

Sincerely,

ALMA CHITTUM.

BERKELEY, CALIF.,
March 16, 1965.

Senator WAYNE MORSE,
U.S. Senate, Washington, D.C.:

Protest insane Asia policy. Demand McNamara and Bundy brothers resign.

WOODY BANES.

NORTH HOLLYWOOD, CALIF.,
March 15, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I am very much interested in your statements relating to the official white paper on Vietnam. I am preparing a term paper for college, and would appreciate your sending me both a copy of the white paper, and your answer. I am not quite sure just what the white paper means—does it represent what is referred to in slang "a whitewash" or to use a more dignified term, a rationalization of our policy there.

I assure you that you have the wholehearted support of thousands and thousands of Americans, but somehow this support is not evidenced in the reports of the newspapers. The major magazines editorially support the present escalation, and try to play down the people's outcry for negotiations and peace.

At the moment I am reading Carl Sandburg's "The War Years" (life of Lincoln) and it seems that the forces against Lincoln were highly publicized while the people's voices were played down. The role of the press it seems to me has always been to withhold what the people are saying. Today however, the civil rights movement seems to have caught on and even the press is beginning to realize that it must keep up with the people.

Thank you for whatever you may be able to send.

Respectfully and cordially yours,

Mrs. ROSE BOIN.

BRONX, N.Y.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SIR: I appeal to you (one of our enlightened Senators) to urge the President to lift the veil of silence surrounding our Asiatic policy, and to use all possible channels to negotiate for peace in Vietnam. W. Lippmann, in the March 15 issue of Newsweek, and the editorial article in the New York Times of March 10 clearly state the reasons for such actions.

The President was elected mainly because of his nonmilitary attitude to a solution of the Asian situation, consultation with our allies, neutrals, and a regard for world opinion, as well as self-determination, should be factors in our foreign policies, and deterring influences in the escalation of the war. Any other course will tarnish our image, gain us enemies, and add to our burden in the loss of men and fortune. The military faction should not influence our judgments. I doubt if we have the support of the Buddhists (who constitute the majority in South Vietnam) if we have to export their priests. Again I urge you to renew your efforts for peace.

Sincerely your,

SOLOMON SCHIFF.

[From the St. Louis (Mo.) Post-Dispatch, Mar. 19, 1965]

THE HARD MORSE HEAD

You need a good, hard head to keep on battering it against the wall of official propaganda. We are grateful that Senator WAYNE MORSE, of Oregon, has one. President Johnson may succeed in silencing some critics of his Vietnam policy, but he will not silence Senator MORSE, whose analysis of the State Department's white paper is excerpted on this page. Right or wrong, the Senator is performing a public service by insisting that policies which could lead to nuclear war shall at least be discussed; and on the whole, in our opinion, he is right.

The power of Government to dominate if not control public opinion on the most momentous issue of our times is frightening indeed. For various reasons, many Americans appear to have abdicated their responsibility of judgment in foreign affairs; they do not feel competent to have an opinion on matters so remote and complex.

The fallacy here is that judgments on the big issues of foreign policy—the issues that decide the very destiny of man—do not actually depend on esoteric knowledge available only to highly trained "experts." The basic questions are simple. Every American is entitled to an opinion on them even though his information may not be as extensive as the State Department's.

If the typical American knows what is right and decent in Alabama, he is capable of knowing what is right and decent in South Vietnam. It is not right, it is not decent, to wage war in Asia on the hypocritical pretext that we are seeking peace.

President Johnson's intentions may be good, but he still has around him advisers who have never been able to think up any foreign policy for the United States except anti-Communist "containment," which is not a policy so much as a bankrupt state of mind. As John K. Galbraith said the other day, foreign policy has become "a favored field for those who have a nostalgia for past error." It is time that the enormous error of our Vietnam policy be corrected, and men like Senator MORSE are doing a great service by saying so.

[From the St. Louis (Mo.) Post-Dispatch, Mar. 19, 1965]

SILENCE ON THE NEW ASIAN WAR: SENATOR, REPLYING TO WHITE PAPER, URGES PUBLIC TO INSIST ON DISCUSSION

(From an address by WAYNE MORSE, Democrat, of Oregon)

Last summer and fall, many voices were raised by American politicians and by the political generals of South Vietnam to "go north." The war in South Vietnam was being lost. Gen. Nguyen Khanh, one of the passing parade of Vietnamese leaders, was anxious that the losses in the south be covered by expansion of the war into North Vietnam by the United States. A presential campaign was being conducted in the United States almost entirely on the issue of who was placing his faith in military power to solve all our problems and who was not.

On September 28, 1964, at Manchester, N.H., President Lyndon Johnson said of all this:

"So just for the moment I have not thought that we were ready for American boys to do the fighting for Asian boys. What I have been trying to do, with the situation that I found, was to get the boys in Vietnam to do their own fighting with our advice and with our equipment. That is the course we are following.

"So we are not going north and drop bombs at this stage of the game, and we are not going south and run out and leave it for the Communists to take over. We have lost 190 American lives, and to each one of those 190 families this is a major war * * *."

Time after time, the spokesmen for the administration told the public and told congressional committees in private that what was going on in South Vietnam was essentially a civil war.

Yet last month all these policy statements of why expansion of the war would serve no purpose were thrown out by the same people who had made them. Something called a white paper was published by the State Department to coincide with the change in policy. But this white paper did not afford any explanation or any reason or any justification of a change in policy.

What it did in fact was to confirm and verify what we have been told so many times: that somewhere between 10 and 20 percent of the number and about 10 percent of the weapons of the Vietcong rebels come from outside South Vietnam.

That is what the white paper confirms. That is all. It does not even claim that the war is any less a civil war than it ever was.

The white paper estimates that a maximum of 37,100 infiltrators entered South Vietnam from the north from 1959 through 1964. Yet with the known casualties and the estimated current guerrilla force, these men from the north still constitute at most 20 percent of the Vietcong. The confirmed infiltrators constitute only 12 percent.

Everything in the white paper with the sole exception of the boat sunk on February 16 of this year was known to the administration last summer and last fall when the President said "we are not going north," and when both the Pentagon and the State Department insisted that no useful purpose would be served in the south by attacking the north.

And today it is still just as true as it was then that the Vietcong rebellion is essentially a South Vietnamese affair in personnel and weapons.

The white paper is the signal for a new war, because we could not win the one that was already going on.

The committing of 3,500 marines to ground combat is only the first installment of U.S. ground forces that will be needed. I am satisfied that what is behind our expansion

of the war is a design to match our half million ground forces in Europe with half a million in Asia, to act as the "tripwire" that would bring the full American nuclear power to bear upon China should she make any move to support local governments.

That is the direction we are now taking in Asia. It is the direction of singlehanded U.S. containment not only of China but of all political movements that seek to remove Western influences from southeast Asia. No longer do we propose to organize groupings of friendly countries to act in concert, such as the Southeast Asia Treaty Organization. No longer do we plan to seek the concerted action of our Western allies.

We are now committed to "going it alone" and putting American soldiers into Asia on whatever scale needed to carry out this objective.

The pretense that we are in South Vietnam to help the people win a fight for freedom has been entirely dropped. From now on, the war will be conducted by Americans, under American command, for American objectives.

I am satisfied that the President understands the inherent fallacies in his presumption that we can bring the Vietcong to heel by bombing North Vietnam. He knows the American people will understand them, too, if there is any discussion in depth of Asian affairs.

His announced policy requires North Vietnam to stop aiding the rebels, it requires the Vietcong to collapse as a result, and it requires stability to emerge in South Vietnam, all as a result of these bombings. The likelihood of any of these things happening is so remote that I do not wonder at the massive campaign with the press and Members of Congress to support what is being done without raising questions or objections.

I hope that silence on the part of the American public and its Congress will not continue. If it does, that silence will be broken not by wisdom but by casualty lists.

I do not suggest that South Vietnam is not of interest to us. But it is not the kind of vital interest that deserves to be protected by American blood. It is the kind of interest that should be the subject of discussion with other affected nations, and there are many nations that are even more vitally affected than we are.

That is why I continue to hope that the President will respond to U Thant's appeal for negotiations under United Nations auspices. And above all, I hope that the American people will bestir themselves to examine the implications of our present course in Asia, and make their voices heard in support of U Thant, Pope Paul, and the Council of Churches. Otherwise, we stand to awaken only when we are being drenched in blood and for an objective that is not shared by any of our allies or even by those nations in Asia whose really vital interests are at stake.

POLITICS, ECONOMICS BEHIND KRUPP DEAL

Mr. MORSE. Mr. President, I ask unanimous consent that an article by Eliot Janeway, entitled "Politics, Economics Behind Krupp Deal," published on February 24, 1965, be printed at this point in the RECORD.

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

POLITICS, ECONOMICS BEHIND KRUPP DEAL

(By Eliot Janeway)

NEW YORK, February 24.—Once again, the biggest businessman in Europe is Krupp. When the weapons of war were just bullets and bombs, Krupp was the armament king. Now that nuclear weapons have transformed the nature of war, the struggle for national power has moved from battlefield to marketplace. In today's economic warfare, Krupp is again proving itself preeminent.

Here's what Krupp is up to. This biggest of all private industrial empires, this personification of capitalism, this symbolic target of Russian propaganda, is going into partnership with the Polish Government.

Believe it or not, Krupp is putting its money into a joint venture to produce machine tools at a new plant to be put up near Warsaw. No question about it, this is not an essay in reparations or aid. It is a business proposition, and Krupp makes no bones about expecting to do well out of it. This projects a pretty high rate of return.

ALWAYS POLITICAL ANGLE

Not that there isn't a political angle to this latest move of Krupp's. The way things work in Europe, there always is when a major corporation makes a major move abroad—in Europe, foreign investment and foreign trade are extensions and expressions of foreign policy (a lesson which Americans have yet to learn).

The main political purpose behind this economic move is a scissors play on East Germany, which will thus be caught between new enemy West Germany and old enemy Poland. By extension, this serves a more general political purpose; namely, to intensify the competitive splits among the hungry satellite countries. Washington is for the first time alert to the opportunities arising from this competition and the economic and social unrest it reflects.

Here's the economic meaning of Krupp's [Bonn-blessed] partnership with Polish statism. Not merely West Germany, but all of Western Europe, simply has too much industrial capacity to earn its living by taking in its own washing—that is, by consuming what it is capable of producing.

CONTINUING TO EXPAND

Far from solving this problem of excess capacity, the Common Market has intensified it. For all of Western Europe is continuing to expand its productive capacities—and, be it noted, the business incentive to invest in expansion has increased even faster than Americanized living standards and the population growth have increased consumption.

More than ever, Europe must export to live. What's more, everyone in Europe knows it. Everyone in Europe also knows that there isn't going to be any unemployment in Western Europe. French President Charles de Gaulle may talk all he pleases about what is sound in finance but, if times get tough, France will follow the rest in subsidizing employment by dumping surplus production abroad.

Right now, Europe's money men have the jitters for fear that the United States may "solve" its supposed payments crisis by draining Europe of the dollars that have been lubricating her boom. Characteristically, Krupp is making a beeline for the closest dumping ground in sight.

But the biggest dumping ground for any European industrial surplus is the United States. If we try to look too good dollarwise, and in the process put too much of a squeeze on Western Europe moneywise, we are likely to find ourselves flooded with distress European products dumped here at giveaway prices. Krupp's move into Poland is an early warning signal that its energetic salesmen must be expected here, too.

IMPROVEMENT OF AMERICAN EDUCATION

Mr. FULBRIGHT. Mr. President, Congress has a unique opportunity to enact significant legislation for the improvement of American education. As a long-time proponent of Federal assistance to education, it is encouraging to me that the elementary and secondary education bill proposed by the President has a better chance for enactment than any such legislation in my memory.

In addition, the administration's higher education bill offers considerable promise for dealing with the problems which beset our colleges and universities and the students who attend them. I am particularly interested in title III of that bill which is devoted to strengthening our less developed institutions of higher learning. In recent years the Congress has provided substantial assistance to higher education in the form of research grants through the National Science Foundation, the National Institutes of Health, NASA, the Department of Defense, and other Federal departments and agencies. Also, the fellowships and other assistance provided in the National Defense Education Act have made a significant contribution. However, by the nature of such assistance it all too often goes to those institutions which have already established themselves as leaders in the various fields of academic endeavor. As all too often is the case, the rich have gotten richer and the poor have gotten poorer. Schools which have limited financial resources and, therefore, less prestigious faculties are often left in the dust in the race for NEA fellowships, research grants, and other benefits which flow from Federal programs.

Title III of S. 600 offers promise for directing Federal assistance where it is needed most, and I am pleased that the Education Subcommittee of the Labor and Public Welfare Committee has begun hearings on the bill.

In an effort to aid the committee in its consideration of this legislation, I have addressed a letter to the chairman of the committee suggesting an amendment to title III which I believe would be of particular benefit to many small colleges which are struggling to meet increasingly heavy demands. I know this subject is of concern to many Senators and particularly to many of my colleagues from the South which has a disproportionate number of the poorly financed institutions in our country, and I ask unanimous consent that the letter to which I have referred and the amendment be printed at this point in the RECORD.

There being no objection, the letter and proposed amendment were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
March 19, 1965.

Hon. LISTER HILL,
Chairman, Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: It is my understanding that your committee will begin its consideration of the higher education bill proposed by the President (S. 600) following the completion of work on the elementary and secondary education legislation. I would like to draw the committee's attention to one section of the bill which I believe can be improved.

Dormitories, administration buildings, and libraries are vital to the quality of our universities and colleges and the Higher Education Facilities Act of 1963 provides the means for developing these tangible assets of our institutions of higher learning. It is,

however, the intangibles that in the final analysis distinguish the quality schools from those unable to keep pace with the increasing demands upon our colleges and universities. It is no secret that the collective ability of a college faculty determines the quality of education available to its students. A very fine article on this subject in the February issue of Indicators, published by the Department of Health, Education, and Welfare, contained this comment: "A professor is a prism through which the light of the past is refracted to the present; rare is the person who can give in his teaching a quality of instruction that he himself has not been given."

All higher education suffers from an inability to offer salaries which are competitive with those available in private industry. And, the rising cost of higher education to the students makes it increasingly difficult for those interested in a professional teaching career to obtain an advanced degree without incurring debts which are not easily repayable from an instructor's salary.

While true of American education generally, the difficulty of obtaining advanced degrees is compounded for many faculty members in our institutions in Arkansas and other Southern States. Only 43 percent of the faculty members in institutions in the South hold doctorate degrees as against a national average of 51 percent. Fifty-five percent of college level teachers in the West and Southwest and 54 percent of such teachers in the North Atlantic region have doctorates. While the process of education is not so mechanical that a perfect parallel can be drawn between the percentage of Ph. D.'s on a faculty and the quality of its instruction, it is fair to say that in general the additional work required for such advanced degrees contributes materially to the worth of the institution and the character of the degrees it confers.

Southern colleges and universities which have long labored under the handicap of inadequate financial resources have only 16 percent of the Nation's teachers who hold doctorate degrees. Teachers' salaries in both private and public colleges and universities in the South are considerably lower than in other sections of the country and, in part, this accounts for the disparity between educational opportunities available to southern students and those open to students in other sections of the country. The inability of many potential teachers to pay the cost of their own higher education also contributes to this deficiency.

These circumstances have particular consequence for colleges which historically have served Negro students and for Negro teachers who on the average are less able than whites to pay the costs of higher education. Only 28 percent of the faculty members in Negro institutions, most of which are located in the South, have Ph. D.'s, Ed. D.'s or the equivalent. This depressing statistic has immediate relevance to the future course of race relations in our country.

I do not mean to imply that all colleges and universities in need of help are in the South or that they are limited to institutions which historically serve Negroes. All higher education is beset by higher costs, rising enrollments and increasingly complex subject matter. However, these burdens fall with added weight on less developed colleges, a disproportionate number of which are in the South. The proposals contained in title III of the higher education bill recommended by the President offer hope for effective action to strengthen these schools wherever they may be. Paying special attention to these needs will benefit all American education and, indeed, our entire society.

I believe it is unrealistic, however, to conclude that many faculty members from top-flight colleges and universities will be induced to teach in the "developing institutions" by a fellowship paid by the Federal Government as proposed in title III. This statement is not made in opposition to this concept, which should be tried. It is offered as a realistic appraisal of a difficult problem. The increasing pressures on our entire educational system require our better colleges and universities to resist any efforts to lure away members of their faculties no matter how worthy the cause. I discussed this proposal with a top administrator at Columbia University recently and was told that Columbia's faculty is so structured the necessary leaves of absence would be almost impossible to arrange both because of the many graduate programs which depend on top professors and the immediate need for classroom teachers.

Thus, the problem which afflicts all higher education in this country centers on an overall lack of qualified teachers rather than merely a poor distribution of them. New legislation in this field should focus on the development of new talent in greater quantity if significant progress is to be made in improving "developing institutions." Rather than trying to relocate teachers in these schools, we should provide the means for creating new ones to serve them. I believe the most realistic and potentially fruitful way to do this is through providing fellowships for faculty members in such institutions to obtain advanced degrees, thereafter returning to their schools and helping to raise their academic standing. It is the opinion of the Office of Education that section 304(a)2 of S. 600 is sufficiently broad to include such a program through grants to developing institutions. However, I would respectfully submit to the committee that an amendment giving specific sanction to such a program is in order. Enclosed is a draft of an amendment to achieve this purpose which I hope will be acceptable to the committee. It would permit the development of study programs for teachers designed to promote the improvement of specific departments and areas of instruction in developing institutions. Using a system of project grants as proposed in the bill and my amendment would tailor Federal assistance to specific needs.

This concept is by all odds compatible with the aims of S. 600. It would provide the bootstraps which do not now exist for many poorly financed institutions. Its adoption would be in the interests of many poorly endowed and supported colleges and thereby of enormous potential benefit to young people who because of geography, background and lack of money cannot attend well-supported and prestigious colleges and universities.

I would be happy to discuss this matter with you, Senator MORSE, or the committee as a whole if you feel it would be helpful.

Sincerely yours,

J. W. FULBRIGHT.

Amendment by Mr. FULBRIGHT, S. 600, to strengthen the educational resources of our colleges and universities and to provide financial assistance for students in post-secondary and higher education:

On page 30, line 8, before the semicolon insert a comma and "including fellowships leading to advanced degrees".

PROPOSED VOTING RIGHTS LEGISLATION

Mr. ELLENDER. Mr. President, on March 16, the day after the President made his emotional speech before a joint session of Congress, I made a short statement to the Senate. It appears at page 5163 of the CONGRESSIONAL RECORD, and I ask unanimous consent that it may be printed in the RECORD at this point in my remarks.

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

VOTING RIGHTS

Mr. ELLENDER. Mr. President, I do not pretend to know what the voting bill will contain which the President states he will send to Congress, but if I am to judge from what he said last night at the joint session of Congress, I have no doubt that it will contain language whereby Congress will fix the qualifications of voters.

It is my judgment that if the President is successful in having Congress enact such a law, every Representative and every Senator will have violated his oath of office to defend and protect the Constitution, because the right to prescribe qualifications for voters is left to the State under article I, section 2 of the Constitution.

Mr. President, I do not like to say this, but I am sorry to note that the President has fallen to the will and the actions of Dr. Martin Luther King in providing for this proposed legislation. He has even adopted the demagog slogan "We Shall Overcome." Dr. King knows, deep down in his heart, that there would be few Negroes eligible to vote if given a fair qualification test. I do not mean only Southern States, but all States. King's plan is to have Congress enact a law abolishing voter qualifications. In other words, the applicant for registration would merely be required to give his name, age, and length of residence in the State in order to qualify to vote.

The action taken by Dr. King in Selma and other parts of the South is regrettable. If such action should be continued, it may lead to anarchy in government. Are the States no longer to be allowed to maintain law and order? Is responsibility for protection of life and property to be taken away from local authority? The first duty of any government, national or local, is to maintain internal order. Are we to allow the agitators and demonstrators to take over control of the streets and public buildings? Apparently the National Government is prepared to do so.

I have been a Member of this body for 28 years. It is my judgment that bypassing the courts, making shortcuts, and bypassing the Constitution, will lead us to a government where our cherished freedoms will become but memories. Our Government is not so weak that it must succumb to every threat.

I grant that in some States of the South—in some counties and in some parishes in my State—things have been done which should not have been done, in order to prevent Negroes from voting. However, if Senators were to take the trouble to look at the reasons why this was done, they would probably be sympathetic——

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

Mr. ELLENDER. Mr. President, I ask unanimous consent that I may proceed for 3 additional minutes.

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

Mr. ELLENDER. It is my judgment that Senators would be sympathetic to those who tried to prevent the registration of unqualified voters. In my State, there are parishes where Negroes outnumber whites 3 to 1. If Congress should enact a law whereby all the citizens of those parishes would be able to vote overnight, without regard to qualifications, we would have governments in the counties and in many of the cities in the hands of incompetents.

That is why, as I have stated, the people there have guarded voting rights, in the hope that they could maintain sound local governments and in time Negroes would become competent as a result of being better educated.

Mr. President, I have never supported those who would deny the right to vote to qualified men and women, whether they are black or white. I firmly believe that every qualified person should be allowed to vote. But the States have the constitutional duty to determine qualifications and if they act arbitrarily the remedy is in the courts.

It was only 50 years ago that the State of Louisiana, in a ward of the parish where I lived, constructed the first public school. All of my schooldays were spent in rented buildings such as abandoned dancehalls, and old dilapidated residences. The South is making progress. If we are not misled by such tactics as may be presented to the Senate soon in the form of a bill on voting rights which the President is sending up, I believe that we will come out of our difficulties of educating the Negro.

Let me emphasize that I am not condoning some of the tactics which have been used by some persons in the South. There are laws on the statute books now. Voting laws were passed in 1957, 1960, and 1964 which would adequately protect every person's right to vote. The trouble is that those who seek to become voters will not follow the law, they will not go into the courts so that their rights may be adjudicated. They wish shortcuts, they sit down in the streets, they do as Dr. King has done, go out and rile up the people. In that way, they hope to force the President, as well as Congress, to enact laws which would run into the teeth of the Constitution.

Let the demonstrators who lie down in the streets and in the corridors of public buildings overcome their ignorance, disease, and crime. Let them overcome the crippling disabilities that are within themselves, and then they will overcome the franchise.

Let me say to you, Mr. President, that if the President of the United States does make the mistake of sending a bill to Congress which would fix the qualification of voters and take that right away from the States, it is my intention to filibuster against it and to talk against it as long as God gives me breath.

Mr. ELLENDER. Mr. President, in my remarks of last week I correctly predicted that if the President's suggestions were to be carried out, it would be necessary for him to advocate the enactment of a bill to provide for the qualifications of voters, and thereby take away from the States their constitutional right to fix qualifications of electors.

I was not specific in regard to the laws enacted by the Congress in the past. Today I wish to discuss briefly the position of our President when he was a Senator, as well as changes in the laws in the last few years which provide a remedy to those who are denied the right to vote.

The President should know that his proposed bill flies directly into the teeth of our Constitution and of our historic concept of constitutional government. If the President had made no mention of his feelings on this in the past, it might be supposed that he was unaware of the constitutional questions involved. But such, of course, is not the case at all. The President's views on the Constitution have changed drastically, and in my opinion, not for the betterment of our country.

Many of us heard the President call for action on this bill without delay, and his plea on this point brought forth an emotional outburst from those assembled. It occurs to me that the response evoked by the President's appeal may well be explained by a statement of his from out of the past. In 1949, in a long speech in opposition to proposed changes in rule XXII, President Johnson stated as follows:

We—and I am speaking of all our Nation—read the same news, hear the same opinions on the radio, see the same personalities on the screen, and arrive, at approximately the same time, at the same conclusions. We think we have been thinking and congratulate ourselves on having thought alike, when actually we have not thought at all.

In another place, the President, then Senator, said that "delay may be bad in the legislative process, although I do not think delay is bad per se. It has been my observation that few good bills have been written hastily, and few bad measures have been written slowly."

And in another instance, he said:

In this debate, however, we are asked to choose between the freedom to enact laws hastily and the freedom to speak. For me, there is no choice.

I may say, Mr. President, that for the senior Senator from Louisiana there is still no choice. If I were to be derelict in my duties, as apparently some are willing to be, and let this proposed pernicious voting bill be enacted into law hastily, my head would be forever hanging in shame. A large part of my Senate career has been devoted to upholding constitutional principles against the onslaught of those forces in our society which seek to change our way of life. I have no intention of tarnishing that record now.

If the mob is to be successful in choking off not only the freedom of debate but the freedom to hold dissenting opinions, it will do so without my blessing. I am not disposed to leave the field at this point in the struggle.

The proposed legislation is unconstitutional on the face of it and should be opposed on that ground alone without having to go into the other issues involved, although they are weighty ones indeed. As was pointed out on this floor Thursday by the senior Senator from Florida [Mr. HOLLAND] it seems passing strange that an effort to abolish the relatively minor matter of poll taxes in Federal elections should require a constitutional amendment, yet here we have an effort to abolish the very foundations of our State and local government embodied in a simple statute.

Mr. President, I do not enjoy the chore which opposition to this legislation is forcing upon me. It requires a great deal of time and effort which could be better spent in other pursuits; it brings with it a good deal of censure from some sections of the country and some segments of our society. The task of making it clear that one is not against voting rights, but only in favor of maintaining voting qualifications, is not always an easy one. It is the subject of a great deal of misunderstanding and I let myself in for irrational criticism from some quarters even by attempting it.

My position was once shared by former Senator Johnson, who said:

When we of the South rise here to speak against this resolution [to change rule XXII] or to speak against the civil rights proposals, we are not speaking against the Negro race. We are not attempting to keep alive the old flames of bigotry and hate. We are, instead, trying to prevent those flames from being rekindled. We are trying to tell the rest of the Nation that this is not the way to accomplish what so many want to do for the Negro. We are trying to tell the Senate that with all the sincerity we can command, but it seems that ears and minds were long ago closed. I say this because I want my position on the civil rights legislation understood clearly.

That distinguished Senator who went on to become President of the United States made that statement, he said, "because I want my position on the civil rights legislation understood clearly."

That is my position today.

I believe that the great change which has occurred can be more completely shown by one last quotation from the speech of the then Senator Johnson. I earlier referred to the fact that this legislation goes much further than any proposals to abolish the poll tax in Federal elections, yet the poll tax was abolished through amending the Constitution. The consensus was that poll taxes could not be done away with in Federal elections through the passing of a Federal statute. Again in 1949, Senator Johnson on the very question of the poll tax and voter qualifications stated as follows:

The framers of the Constitution were plain, specific, and unambiguous in providing that each State should have the right to prescribe the qualifications of its electorate and that the qualifications of electors voting for Members of Congress should be the same as the qualifications of electors voting for members of the most numerous branch of the State legislature. For that reason, and that reason alone, I believe that the proposed anti-poll-tax measures introduced in previous sessions of this body and advocated in the President's civil rights program is wholly unconstitutional and violates the rights of the States guaranteed by section 2 of article I of the Constitution.

Believing that, I think I have the right to use my freedom to speak and stand on the floor of the Senate as long as I have the will, the determination, and the breath to oppose such a measure. I believe that I, and any other 32 Members of the Senate, have as much right and equal duty to prevent the passage of an unconstitutional law as do 9 members or 5 members of the Supreme Court to strike it down after it has been passed. I am not willing to surrender that right or that duty because the President of the United States thinks otherwise, or because of the hue and cry set up by those who claim to protect the rights of a minority while at the same time saying the majority should always rule supreme.

I am taking the very same position now in respect to the bill which will probably come before us soon.

Mr. President, the 15th amendment to the Constitution provides that—

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

It also provides that Congress shall have the power to enforce this article by appropriate legislation. This amendment to the Constitution does not prescribe voter qualifications; it is solely and purely a limitation upon the United States and the States to prevent their

keeping qualified persons from voting because of race. The U.S. Supreme Court has always maintained this interpretation of the amendment and that is as it should be.

Congress has enacted numerous laws under this amendment to protect the rights of all citizens to vote and to prevent any interference therewith. It had never attempted to prescribe minimum qualifications until the Civil Rights Act of 1964, in which a sixth-grade education was to be a presumption of literacy.

In addition to the 15th amendment, guaranteeing that all qualified persons may vote without regard to race, and the remedy of the due process clause of the 14th amendment, there exist at present seven different and distinct laws on the statute books guaranteeing the right to vote. These laws are as follows:

First. Any citizen may sue any election official for damages who denies him the right to vote—42 U.S.C. 1983.

Second. Any citizen who alleges he is wrongfully denied the right to vote may sue in Federal court without a jury to prevent the denial of that right—42 U.S.C. 1971.

Third. Any election official, anywhere in the United States who denies any qualified voter his right to register and vote under color of law is punishable by fine and imprisonment—18 U.S.C. 242.

Fourth. Any election official who conspires with another to deny any citizen the right to vote is subject to a fine of $5,000, or imprisonment for 10 years, or both—18 U.S.C. 241.

Fifth. The Attorney General may sue in the Federal courts for an injunction at any time any person is engaged or there are reasonable grounds to believe he is about to engage in any act designed to deprive a person of his right to vote—42 U.S.C. 1993.

Sixth. If a Federal judge finds a pattern of discrimination pursuant to the 1960 Civil Rights Act, he may appoint Federal voting referees to replace local officials.

Seventh. The 1964 Civil Rights Act provides that all voting cases be expedited; that if less than 15 percent of a race is registered, Federal referees be appointed; and that everyone with a sixth grade education is presumed literate—42 U.S.C. 1971.

As recently as March 1, 1965, the U.S. Supreme Court has upheld the right of States to maintain and prescribe their own voter qualifications. In the case of Carrington against Rash, Mr. Justice Stewart, in delivering the opinion of the Court said:

> There can be no doubt either of the historic function of the States to establish, on a nondiscriminatory basis, and in accordance with the Constitution, other qualifications for the exercise of the franchise. "Indeed, the States have long been held to have broad powers to determine the conditions under which the right of suffrage may be exercised." *Lassiter* v. *Northampton Election Board*, 360 U.S. 45.

Mr. Justice Stewart went on to quote with approval *Pope* v. *Williams*, 193 U.S. 621:

> In other words the privilege to vote in a State is within the jurisdiction of the State itself, to be exercised as the State may direct, and upon such terms as to it may seem proper.

How could any language be clearer than that?

The Lassiter case upheld the literacy test applied in North Carolina against an attack made on its face.

Of course, the constitutional basis upon which the Supreme Court recognizes the States' right to prescribe voter qualifications is article I, section II, which provides:

> The House of Representatives shall be composed of Members chosen every second year by the people of the several States and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

Additional support of the right of the States to maintain voter qualifications is recognized in section 1 of the 17th amendment to the Constitution which provides:

> The Senate of the United States shall be composed of two Senators from each State elected by the people thereof for six years, and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for the electors of the most numerous branch of the State legislatures.

That amendment was adopted only a few years ago by the people of this country.

I want to reemphasize, Mr. President, that while the right of suffrage is established and guaranteed by the Federal Constitution, it is subject to the imposition of State standards, which are not unreasonable or discriminatory. Every citizen has a Federal constitutional right to register and vote provided he possesses the necessary qualifications established by State law. A State can specify the qualifications for voters both in State and Federal elections, including requiring voters to pass literacy tests if such literacy test is not used as a cloak to discriminate against one class—*Gray* v. *Sanders*, 372 U.S. 368.

Now, Mr. President, if some of the States or counties therein failed to apply their literacy tests equally to all citizens, the remedy is to bring suit in the Federal court under one of the seven statutes already provided by Congress to prohibit discrimination in the right to register or vote. The aggrieved party could even bring his suit in Federal court under the provisions of the 15th amendment alone.

Congress has no right whatever to fix voter qualifications. It can, under article I, section 4, of the Constitution, alter the times, places, and manner of holding elections for Senators and Representatives, but this has nothing to do with qualifications. This is provided in the Constitution so that Congress can maintain uniform dates of elections so that the Nation may elect Representatives and Senators at specified times to conform to other parts of the Constitution. Otherwise, the provision for selecting one-third of the U.S. Senators every 2 years could not be adequately enforced.

The proposed Voting Rights Act of 1965 purports to guarantee the right to vote in accordance with the 15th amendment. It provides in section 3(a) that no person because of failure to comply with any test or device shall be denied the right to vote in those States or subdivisions thereof determined by the Attorney General as having used such a test or qualification for voting in the 1964 election and which had less than 50 percent of the persons of voting age registered on November 1, 1964, or less than 50 percent of such persons voting in 1964.

By abolishing State-prescribed qualifications for voting, such as literacy tests, the Federal Government is in effect establishing qualifications. There is no doubt about that. The proposed legislation is designed as a punitive measure primarily against the Southern States, because only the following States come within its classification: Alabama, Alaska, Virginia, Georgia, Louisiana, Mississippi, and South Carolina.

It is interesting to note that in Louisiana 47.3 percent of all persons of voting age voted in the 1964 presidential election, whereas in Texas only 44.4 percent of the eligible voters voted in the 1964 presidential election. Texas is not included in this bill only because it does not come within the definition of section 3(a); that is, it does not require a literacy test. However, Texas does require the payment of a poll tax to vote in State elections. It seems hardly necessary for me to state here how unfair this bill is. It is certainly more reasonable to require a voter to be literate, as Louisiana does, than to require him to pay a certain amount of money to be allowed to vote, as Texas does.

Mr. President in 1932, when I was a member of the Louisiana Legislature, I fostered bills to rid our State of the poll tax. Today, any qualified voter can vote in Louisiana without the necessity of paying a poll tax.

Nineteen States of the Union require literacy tests. This bill does not even require that a showing be made of discrimination. It states that where less than 50 percent of the eligible voters were registered or failed to vote in the 1964 election, there can be no State requirement of literacy or other qualifications.

Imagine that, Mr. President. The bill simply shunts aside all the requirements that the States may provide.

The bill is tailor made to Martin Luther King's demand for Negro control of the political institutions of the South. Only through such a nefarious piece of legislation could incompetents gain control of the political processes in the South or in the United States.

Mr. President, I have never opposed the right of any citizens to vote, provided that they register under the laws of the State in which they live. I have opposed any measures in which the law made it almost impossible for citizens to register. But even in those cases, the State has the right to impose such qualifications, provided that the law applies to all citizens similarly and without discrimination. It is my belief that the bill that has been proposed will do much violence to our constitutional processes.

If enacted, it will play into the hands of the agitators who are now on the march in Alabama.

THE ROLE OF CONGRESS—ADDRESS BY SENATOR ELLENDER

Mr. ELLENDER. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a speech that I was to have made to the Oklahoma City University, Oklahoma City, Okla., on Wednesday, March 17, 1965. The speech is entitled "The Role of Congress." I spent quite some time in preparing the speech, but I was denied the right to address the conclave at Oklahoma City University by a bunch of mobsters.

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

THE ROLE OF CONGRESS

(Address by Senator ELLENDER)

Ladies and gentlemen, I have the honor of having represented the State of Louisiana in the U.S. Senate for over 28 years. My tenure has spanned a portion of the greatest depression in America's history, the Second World War, the current period of cold war, and the Korean conflict. I have witnessed basic and far-reaching changes in the economic, social, and political structure of our Republic. It would require more time than you can spare for me to attempt to analyze the causes of these changes, or to define the precise point at which reform, based upon justice, became merely change for the sake of change. But I do believe that before we can intelligently evaluate what the future holds, we must try to measure what the past has achieved.

As we begin our journey into the future, we turn to those events man terms both history and experience. In these events lie the seeds of wisdom.

The first Congress met in the city of New York on March 4, 1789. Of 22 Senators, only 8 were on hand; of 59 Representatives, but 13. It required over a month to obtain a quorum of both Houses for the transaction of business. From this rather inauspicious beginning, Congress has weathered many and varied cycles in American history to pave the way for its role in ensuing years.

In those early days, Congress was dominated by an elite class of bankers, merchants, and lawyers. Most of the early activities of Congress were devoted to the protection and enhancement of the fortunes of those people. Later, beginning with the administration of Thomas Jefferson, the people were given greater voice in the affairs of government, but at the same time, an agricultural aristocracy, consisting of wealthy planters and large landowners, became part and parcel of the governing—and favored—class.

President Andrew Jackson was successful in overthrowing the banking monopoly that threatened even the National Government itself, but in other areas of America's economic life monopolies grew and prospered. Economic power, and almost all of America's economic wealth, continued to be concentrated in the hands of a small segment of our society. Although an expansion of Jeffersonian and Jacksonian democracy was advocated by several Presidents up to the election of President Lincoln, the Congress failed to enact any significant reforms to improve the lot of America's masses.

What has been called the "slavocracy" dominated national politics for many years, but gradually the industrial giants of the North became more powerful, and the clash between these two, doubtless spawned the War Between the States.

During and immediately after the war, northern industrialists profiteered on a vast scale. They were able to expand their power through the reestablishment of high tariffs, discriminatory freight rates, and the enormous subsidies granted railroad promoters. This era of rapid industrial development was dominated by "big business"—by the trusts, the eastern banking interests, and an interlocking system of both political and economic power.

Because of demands by the people, efforts were made by Congress during and after this period of "laissez faire" to provide social reform. Civil service legislation met with moderate success. The demand for legislative action to check the arrogance of railroads, the growth of unregulated monopoly, and the inequitable distribution of wealth, resulted in the creation of the Interstate Commerce Commission, the enactment of the Sherman antitrust law, and the first income tax law. The Commission was soon stripped of most of its power by the Supreme Court, the income tax law was declared unconstitutional, and the Sherman antitrust law was not enforced.

When Theodore Roosevelt became President in 1901, following the assassination of President McKinley, he immediately set out to remodel the structure of government under the banner of social justice. Prosecutions of business combinations in violation of the Antitrust Act were intensified. The beef trust was enjoined, the Standard Oil Co. of New Jersey was dissolved, and the American Tobacco Co. was declared an illegal combination. Legislation was enacted to broaden and strengthen the powers of the Interstate Commerce Commission, giving it authority to regulate rates and to discontinue rebates.

Tariff revision, banking reform, and trust-busting were three areas in President Wilson's attack on the "invisible government" which he charged still dominated the country. During his administration Congress enacted legislation to reduce tariffs, to create a banking system, and to further curb trusts. For the first time labor laws were enacted, protecting seamen's wages, forbidding the transportation in interstate commerce of products manufactured by child labor, and establishing the 8-hour day for employees engaged in interstate commerce.

Unfortunately, just as these reforms were taking root, we became engaged in World War I. President Wilson was given the powers he requested to mobilize national resources to provide the food, clothing, and military hardware necessary to "make the world safe for democracy." Railroads were nationalized. Agriculture and labor answered the call and were soon in full production. Farmers expanded food production at an unprecedented rate. They received no direct assistance of any kind except in the field of research carried on at land-grant colleges and experimental stations, and disseminated to them through the growing extension service.

Serious economic and social problems followed in the wake of the war. Costly strikes and lockouts due to bitter strife between employers and employees over wage scales became common. Production of consumer goods nevertheless increased at a tremendous rate, and Americans, disillusioned by the failure of the war to bring genuine peace, began to use their leisure by indulging in newly found amusements, such as motion pictures, the radio, and the automobile.

A significant change took place not only in the production, but in the distribution of wealth. The vast wartime expansion and consolidation of business enterprises had concealed the highly speculative nature of industrial prosperity during the postwar years. The price of the stock quoted on the exchange, rather than a firm's profit-and-loss statement, became the yardstick of a company's worth.

Late in 1929 the bubble burst, signaling the start of the most devastating depression in our history. President Hoover was unable to stem the tide, and the national election in 1932 ushered in as President, Franklin D. Roosevelt, who promised the people a "new deal." The 73d Congress took over at a special session called for March 9, 1933.

Who, having lived through that period, could ever forget the "first 100 days" of the Roosevelt administration? This politically wise, energetic, confident President came into office like a fresh breeze, then like a tornado sought to dispel the cobwebs of economic depression, unemployment, despair, and actual hunger. He urged Congress to implement his plans through appropriate legislation.

The first of the sweeping measures was the emergency banking law, which empowered the President to reorganize national banks and generally to stabilize the banking system. Then followed measures to extend relief to the unemployed, to create the Civilian Conservation Corps (CCC), the Home Owners Loan Corporation (HOLC), the National Recovery Act (NRA), and the Agricultural Adjustment Act (Triple A). These were only the beginning. By the time President Roosevelt was reelected in 1936, the Congress had created a multiplicity of agencies bearing the familiar initials—WPA, NYA, FSA, SEC, FDIC, and others.

I entered the Senate at the beginning of President Roosevelt's second term, on January 3, 1937. The Senate was so overwhelmingly Democratic that 13 of us had to be seated on the opposite side of the aisle, with the Republicans. We became known as the members of the "Cherokee strip."

The great depression was still very much with us, and the Supreme Court had dashed the hopes of the President by declaring several of his New Deal laws unconstitutional. It was then that President Roosevelt sought to pack the Supreme Court with liberal members, but Congress refused to go along on this obvious attempt to create a judicial climate more favorable to his legislative schemes.

In the end, however, the President won out in his battle with the Supreme Court. Several of the New Deal laws were later upheld, including the Social Security Act and the National Labor Relations Act. In the meantime, the membership of the Court changed considerably by reason of resignations and deaths. By 1941 seven of the nine Justices were Roosevelt appointees.

The most significant change during the late thirties was in the role of Congress, as well as the Executive, in bringing about social and economic policies designed to benefit the masses of the people. The Supreme Court, as time passed, aided in the process by liberalizing its interpretations of the welfare and commerce clauses of the Constitution.

The disastrous crash of 1929 had served to awaken the sleeping conscience of this Nation to the need for positive steps to equalize opportunities, to raise the standard of living for the masses of the people, to abolish the sweatshop, and to provide for the orderly development of our great natural resources. I do not discount the benefits which flowed to the masses of the people, nor the great strides which were taken in all fields—development of our industrial potential, mass production of consumer goods, education, increased participation in world affairs, and generally speaking, advancement of our position as the greatest power on earth.

Before many of the laws enacted could become fully effective, we again became involved in war—World War II. Again, a wartime President was given extraordinary

powers to mobilize industry, agriculture, and labor into a winning combination. Again our Nation responded to the challenge, rising to unbelievable heights of production to supply the tools and sinews of war. This time, however, an increased effort was made by the Congress to hold down prices and profits, in the hope of preventing the economic stagnation which had occurred in the wake of each previous armed conflict.

The state of emergency remained in effect for a number of years after World War II, and Congress played an important part in enacting legislation designed to cushion the impact of the Nation's adjustment from war to peace.

But the greatest task which faced the postwar world was the rehabilitation of countries, particularly those of Western Europe, which had been left prostrate by the ravages of one of the cruelest wars in history.

I need not dwell on the manner in which the United States, virtually alone, embarked upon the greatest humanitarian endeavor in the history of the world. I will only say in passing that I wholeheartedly supported, for a time, the original concept of the Marshall plan, both in its humanitarian aspects, and—perhaps selfishly on my part—in the hope that, once made whole, the nations we assisted would stand as strong allies in preserving the hard-won peace. Unfortunately, such has not been the case. Our expenditures abroad were both too lavish and too prolonged. Many of the countries we nursed to economic health have assumed the role of antagonist rather than ally. The peace is not secure. Our freedoms are still at stake. Indeed, all mankind stands at the brink of nuclear destruction, with the weapons of doomsday falling into irresponsible, and even irrational, hands.

I have made this rather lengthy recital of history to give the background of the current role of Congress. And I may say that our role at the present time seems to be that of providing all things to all people—including not only those of the United States but of the entire world. In spite of our great wealth and productive capacity during the most prosperous era of our existence, we are saddled with an enormous Federal debt in excess of $320 billion—a debt which increases each year, a debt which requires the expenditure of over $11 billion each year for interest alone.

As I stated earlier, I supported and helped to foster much remedial legislation, particularly for aiding rural areas, and for the protection and preservation of two of our most precious natural resources—land and water. It would be reactionary indeed to say that this was not necessary and desirable. The people of our country were on their knees in the morass of despair and economic depression, and it required bold action to bring them up to a position where they could stand tall and unafraid to bring them up to a position where they could stand tall and unafraid of the future.

But, measures originally designed to provide temporary relief and to foster orderly growth, have been followed by statutes of more far-reaching consequences. In too many instances, regulation has become regimentation. I believe Congress should halt the broadening of Federal power and control, and instead make every effort to encourage private initiative.

It has been said that if we continue the path we are now traveling, the States of our Union will soon become more provinces under a strong centralized government. This perhaps overstates the case, but I do fear that the route we now follow will ultimately lead us to the welfare state, in which event many of our basic freedoms may well become but memories.

I am most reluctant to make a statement of that kind, because I have always held to the philosophy that any government which provides for its people equal economic opportunities in keeping with their skills, equal educational opportunity, adequate housing, and hospitalization at prices the people can afford to pay, need never fear socialism, communism, or any other foreign ideology.

In keeping with that philosophy, I have supported and fostered legislation designed to make these basic needs available to all the people. I have always been insistent, however, that such legislation be in the nature of a cooperative effort by the Federal Government with State and local units of government, and with the administration of all programs left at the local level.

Unfortunately, this has not always been the case. We have, of course, many splendid programs involving Federal and State matching funds, plus local cooperation from the beneficiaries, but more and more the control of these programs is finding its way into Federal hands. Let me give you some examples.

For the distribution of electricity to rural areas, Congress enacted the Rural Electrification Act in 1935. The original intent of the framers of that law was to make electrical power available to farming regions and rural areas, where private power companies could not or would not go. Loans to achieve this purpose were made available to both electric utility companies and locally owned cooperatives on the same basis—that is, over a long term with interest at 2 percent. By and large, the power companies refused to participate in the program, but the job was undertaken and done, and done well, by the local cooperatives.

It was contemplated that the rural electric cooperatives were to purchase their power requirements from private utilities and this has been the case in most areas. Today, however, many cooperatives in several States are seeking low-interest Federal loan funds to construct their own generating facilities, even in areas where an abundant source of power already exists, and is available at reasonable rates on fair terms and conditions. This is neither fair, nor proper. I see no obstacle, however, nor would I oppose, the granting of such loans where adequate power is not otherwise available, where locally owned cooperatives can generate their own power at less cost than otherwise available to them, or where the suppliers of their energy needs, insist on unreasonable or unfair restrictions.

Therein rests the basis of my philosophy of government—that the function of government is to stimulate and maintain a fair and competitive atmosphere, permitting no group and no element to gain a stronghold on another.

Congress also provided for the construction of dams to generate electrical power from falling water. That I favor, and I have devoted much time and effort to the end that our rivers be harnessed and made to work for the benefit of the people. One of the first of these was the TVA system launched by President Roosevelt. The intent was to develop the streams of the Tennessee Valley, to control floods, foster navigation and generate power from falling water. The TVA was, I suppose, a real forerunner of the "poverty program," because it envisioned the development of industry in the Tennessee Valley, covering several States, through a comprehensive and planned program of river development and control.

Within a few years, however, the demand for power in that area had grown to such an extent that Congress was requested to provide for the construction of steam plants to "firm up" the TVA system. And what do we find now? At the present time, some 78 percent of the power generated and distributed by TVA is from steam plants, constructed with Federal funds, only a portion of which are reimbursable.

To foster growth through Federal aid is one thing; but for Federal money and Federal power to be used to "squeeze out" private enterprise is quite another. Just as I would oppose returning the control of electrical power generation and distribution to the once supreme power trusts, so do I oppose devices to place the control of electric power in Federal hands. Either alternative is evil, and destructive of our democratic economic order.

I need not recite to you what has happened in the fields of industry and labor. True, the large corporations had only themselves to blame for the wave of antagonism which swept over the country in the thirties, the cry for the abolition of the sweat shop, the establishment of decent wages and better working conditions, and for some way to curb the unconscionable profits of large combinations.

Now our business leaders complain that there is little incentive to expand, that Government regulation ties the hands of industry. At the same time, labor has achieved tremendous power, and there are increasing demands for Congress to enact legislation to provide compulsory arbitration to handle major strikes. Will this not lead to increased Government control over both industry and labor? I am very hopeful that labor and management will use the conference table to settle their differences, else Congress may be compelled to step in.

And now we come to agriculture. Our Government encouraged farmers to expand production during and following World War I. There was such an increase in production that farmers could not find markets for their commodities, and the resulting glut led to disaster.

Congress stepped in and enacted the first Triple-A act, but after 3 years it was declared unconstitutional. I assisted in writing and enacting the second Triple-A Act soon after I came to the Senate. I have served on the Committee on Agriculture and Forestry ever since I entered the Senate, and I am now chairman of that committee.

This law was a modest beginning to be sure, but because our Government again called on our farmers to expand production during and after World War II, the farmers once more began producing far above our peacetime needs. The programs to assist farmers thus had to be changed from time to time, and they have steadily grown into a most expensive operation, with the Federal Government in control of much of the distribution of many of our basic crops. If we had been able to hold production in line with our needs, the various farm programs would not be in the trouble they face today. But within the last few years the trend has been toward providing direct subsidies, and I fear that agriculture, too, is in danger of strangulation through Government control.

As I pointed out heretofore, up to the turn of the 20th century, the Congress was more or less dominated by big business, and much of the legislation enacted was for the protection and benefit of special interests. Today it seems that every individual has become a "special interest" and the demands on Congress are on the increase.

We are presently embarking on so many new, federally subsidized and controlled programs—programs in the fields of education, hospitalization, rents, housing, and mass transportation, to name but a few—that our entire structure of Government is threatened. The immense cost of these programs will all be added to the backs of already overburdened taxpayers.

I fear that if the trend is maintained, there will be few people in our country not making demands on Members of Congress. Even our youngsters bring their problems to their Senators and Congressmen for solution.

A seventh grade student recently wrote me as follows:

"I would appreciate it very much if you would send me maps, charts, books, posters, papers, pamphlets, folders, objects, and anything else you think I need to make good projects and reports on the following topics: the history and study of North America (since it was made to now, the ice age, how it was formed, how it reacted to different periods of time, the Indians, the animals, its discovery, how the government of the land changed under the rule of white men, etc.), the history of New Orleans (when it was founded, the battle of New Orleans, as the capital of Louisiana, the port, etc.), the Korean war (the battles in Korea, in America, how it was fought, why it was fought, the leaders of the armies and countries, etc.)."

I have had numerous requests from students asking for "all the information there is about our Government and our history."

There was also the lady who wanted me to stop the gas company employee from stepping on her flowers every time he came to read the gas meter.

A 7-year-old boy wrote and asked me to help him determine the sex of his pet crow—he said that since I am chairman of the Agriculture Committee I should be able to tell about the sex of crows.

All levity aside, it seems as though Congress, with the enthusiastic encouragement and backing of the other two branches of Government, has embarked on a course which is carrying us too close to the rapids of centralization in government, and the welfare state. If we continue in this direction I fear for the future of representative government. Pressure groups are becoming better organized, and too many Members of Congress fail to exercise their own independent judgment, relying instead on what is politically expedient.

I do not pretend to know what the answers are. For my own part, I have been placed for the past few years in the unenviable position of being compelled to oppose a great deal of legislation which has come before the Senate. Such opposition is rarely easy, but I feel I must follow the dictates of my own conscience as to what I think is best for my country.

There are many proposals to reconstitute the social and political structure of our Nation. Many of these schemes, as I understand them, are designed to benefit those who have not, at the expense of those who have. Now, this may be a good theory, but I wonder just how such Robin Hood tactics will work out in actual practice. It is one thing for a government to provide the opportunity to each citizen to better himself, and to assist those who are unable to make their own way in life. It is quite another to merely transfer the fruits of one man's labor to someone else.

This country was made great and strong through individual initiative. Unfortunately, somewhere along the way this initiative resulted in the destruction of normal competition, and some brake had to be applied to runaway profits, as well as to control of the economy by a favored few. The pendulum had swung too far in one direction, and so extraordinary means were necessary to bring our economy into better balance. The force of the backward thrust, however, may now be swinging the pendulum too far again. Any effort to spread the hard-won gains of one sector of our society among the rest purely as a means of equalizing wealth, will inevitably lead to total destruction of initiative on the part of both the contributor and the recipient. The one will feel that there is no use in struggling to improve his economic position, only to have his gains taken away to assist others, and the other will see no necessity for bettering himself.

In recent years Uncle Sam has become too paternalistic; too many people are looking for a handout from their Government. They seem to feel that their Government owes them a living, that they can get by without work, not realizing that they themselves are part and parcel of that Government.

I admit that many of our citizens need assistance and they should be helped. Because of the increasing costs of obtaining a college education, many students are hard pressed, and I believe it is necessary for our governments, both at the Federal and State levels, to provide ways and means of assisting students who are willing to help themselves.

I hope that my remarks will stimulate your thoughts about our Government and its functions, as well as your own obligations toward that Government. By all means each of you should take a keen, active interest in elections at all levels, and you should assist in the selection of the best and most able persons who offer for public office.

It would seem to me also that our citizens would do well to put into practice the oft-quoted but sound advice of our late and lamented President, John F. Kennedy, when, in his immortal inaugural address, he admonished: "Ask not what your country can do for you; ask what you can do for your country."

If that advice is followed we should be able to revitalize the spirit that made our country the greatest on earth.

We are still a very young nation, in comparison with most of the other great powers of the world. In our relatively short history, we have managed to weather quite a few storms of turmoil—wars, depressions, social upheavals. I have faith and every confidence that we will overcome our current ills and emerge as strong as ever, but perhaps a little wiser and much more mature.

WATER CONSERVATION—ADDRESS BY SENATOR ELLENDER

Mr. ELLENDER. Mr. President, I ask unanimous consent to have printed at this point in the RECORD an address I delivered before the annual meeting of the Water Development Foundation of Oklahoma, Inc., at a joint meeting with the Oklahoma City Chamber of Commerce, on Wednesday, March 17, 1965.

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

ADDRESS OF THE HONORABLE ALLEN J. ELLENDER BEFORE THE ANNUAL MEETING OF THE WATER DEVELOPMENT FOUNDATION OF OKLAHOMA, INC., IN JOINT MEETING WITH THE OKLAHOMA CITY CHAMBER OF COMMERCE, WEDNESDAY, MARCH 17, 1965

Mr. Chairman, ladies and gentlemen, on a small table beside my bed, at my apartment in Washington, I keep a few of my favorite books. Among them is a pamphlet of only a few pages, which describes the rise of one of our modern industrial giants. Beginning in a small basement workshop, this man became the world's largest manufacturer of welding equipment. On the outer cover of this pamphlet appears the following quotation: "Ideals are like stars; you will not succeed in touching them with your hands, but like the seafaring man on the desert of waters, you choose them as your guides, and following them you will reach your destiny."

As I read this quotation over and over I was reminded of your friend and my lamented colleague, Robert S. Kerr. He was devoted to his State and Nation. He was a great conservationist. He believed, as I do, that our land and water resources belong to all the people; that the living are the mere trustees of these God-given legacies, and that those resources should be protected, developed and preserved for the benefit of generations yet unborn. It is most regrettable that he did not live to see some of his ideals reach their destiny.

With the continuation of the plans in contemplation, I cannot help but feel that Oklahoma stands at the threshold of a future even brighter than that envisioned by your most ardent advocates. And this is quite a future, for men like Bob Kerr, MIKE MONRONEY, FRED HARRIS and the many other fine and capable leaders of your State have never been accused of being bashful—at least, where Oklahoma is concerned.

Most of you present are to young to remember, as I do, the last major flood on the Mississippi River. In 1927 an area of 23,000 square miles—roughly one-third the size of Oklahoma—was inundated. Scores of lives were lost, property damage ran into hundreds of millions of dollars, and thousands of people were left homeless and destitute. The disastrous effects of this flood were felt throughout the Nation.

My parents lived behind the levees of a stream that connected with the Mississippi, and I can vividly remember the many occasions when our fertile lands, planted to crops, were inundated by disastrous floods. Having thus experienced in a personal manner the hazards of uncontrolled water, I developed a keen interest in a planned and aggressive program of water resource development and conservation.

What I saw in my travels throughout the world has only strengthened my determination that in this country we will pursue such a program with wisdom and vigor. I believe that unless we protect water, which is our greatest resource; unless we retain and control it, and not let it flow to the sea unused, some day our great country may become as barren as the Gobi Desert, or the great valley of Mesopotamia between the Tigris and Euphrates Rivers.

At one time the valley of Mesopotamia could produce food and fiber to sustain 15 million people. Today it can hardly take care of 2 million. And why? Because no effort was made to retain the waters of the Tigris and Euphates Rivers upstream, to prevent the carrying down of the rich topsoils, which in time clogged the small tributaries and rivers of Mesopotamia. Now that land is no longer suitable for cultivation.

The same is true of many other areas of the Middle and Far East. Failure to protect and conserve natural resources has been a prime factor in the destruction of many of the oldest civilizations of the world.

In the last 40 years or so, we have done much in the United States by way of river improvement works to permit full utilization of our streams, but there is still much work to be done. Early in the 20th century, conservation measures pioneered by such men as President Theodore Roosevelt and Gov. Gifford Pinchot, awakened our generation to the importance of our natural resources. As a result of this awareness, I believe we are seeing in this country a complete reversal of the policies that led to the downfall of the early civilizations of Europe and Asia.

The fruits of such measures are spectacularly demonstrated here in your own State of Oklahoma.

For many years, the majority of people living along the Atlantic and Pacific coasts associated Oklahoma with the great dust storms of the midthirties. Unfortunately, they knew the land and its people only from the writings of John Steinbeck, particularly his novel, "The Grapes of Wrath."

In the comparatively few years since the Dust Bowl days, this picture has changed remarkably. Here I would like to pay tribute to some of your great leaders in Oklahoma who helped make this change possible—Newt Graham, the Drs. Henry G. and Hugh H. Bennett, and last but not least, Bob Kerr, whom I mentioned heretofore. These men diagnosed the true causes of dust storms. The two Drs. Bennett knew that scientific land practices would check this desolation, and they played an important part in the writing of the Soil Conservation Act. Dr. Hugh Bennett became the first Director of the Soil Conservation Service.

Bob Kerr, as Governor of Oklahoma and later as U.S. Senator, devoted his talents and tremendous energies to the development of the land and water resources of this State, and of the country he loved so well. Most of the water resources legislation enacted in the last decade bears the imprint of Bob Kerr's determination and devotion to that cause.

The comprehensive plan for the development of the Arkansas River, including navigation to Tulsa, has advanced to the point where its completion is assured.

The small watershed program of the Department of Agriculture has been both effective and popular. Three watershed protection projects covering 192,235 acres have been completed, and 34 approved projects on 3,597,099 acres under construction are in various stages of completion, while 9 other projects on 248,340 acres are in the planning stage, leaving 25 unserviced applications for projects covering 2,991,529 acres. This clearly demonstrates that the farmers and ranchers have been convinced of the effectiveness of the programs already established.

The authorized reservoir program of the Corps of Engineers is well along; of the 28 authorized projects providing 23,948,500 acre-feet of storage, 15 are completed or under construction. The projects completed or underway will provide all but about 5 million acre-feet of the authorized storage.

The projects completed or planned for soil conservation, erosion control, flood control and navigation will certainly accomplish their purposes in those areas. But I believe they will do much more. In my opinion, the very presence of these bodies of water will help to moderate your weather and tend to increase your rainfall. In addition, perhaps the most important unevaluated benefit from these projects is the psychological effect on the people of Oklahoma. These works inspire everyone, establishing confidence in the industrial potential of your State.

The Arkansas River Basin has been compared with the Ohio Valley, where the completion of the flood control reservoir system brought great industrial expansion. As a matter of fact, benefits along this line are already being realized in the Arkansas Valley. For instance, North American Aviation has opened a plant in Tulsa, citing as one of the reasons for its selection of that city the prospect of early water transportation. We know that many other industries have their eyes on Oklahoma as a location for future expansion. Real estate companies have very recently purchased for clients in excess of 100,000 acres of land adjacent to the Arkansas River, and it is natural to assume that these transactions were on orders of industry, looking toward the erection of facilities to utilize the waterway when completed in 1970. Truly, the Arkansas Basin has a bright future, and already some of your leaders are looking to the expansion and extension of that navigation system to Oklahoma City.

Last year the report of the Corps of Engineers on that extension had proceeded to the point where a very favorable report of the district and division engineers was submitted to the Board of Engineers for Rivers and Harbors for review. The Board, and rightly so, is making a very critical review of that report.

Corps of Engineers estimates of traffic that will move over a waterway have traditionally been ultraconservative. This, I believe, is as it should be, since we need assurances that all public expenditures will produce public benefits in excess of their cost.

I must caution here, however, that since the submission of that report there has been a revision of policy, which in my opinion constitutes a step backward in our program of water facilities development. I refer to a new directive from the Office of Chief of Engineers, with policy guidance from the Bureau of the Budget, which will materially alter the method of evaluating proposed inland waterway projects.

Most of you are familiar with the method that has been used in the past to calculate the so-called cost-benefit ratio of a project. It used to be that the Corps of Engineers would survey the resources of an area to determine the products and tonnage that would be apt to move on a waterway, if completed. The savings attributable to the project would then be the difference in the rate between the existing freight rate and the barge rate. If the sum of these annual benefits exceeded the total annual costs, including amortization and operation and maintenance, the project had a favorable benefit-to-cost ratio and was considered feasible. The higher that ratio, of course, the more desirable the project was deemed to be, and the better the chances of quick approval by the Congress.

Now, in essence the new proposal would compare the barge rate with a theoretical rate that the competing modes of transportation might be compelled to adopt if the waterway were placed in operation. Obviously, this would greatly reduce the benefits and would frequently result in an unfavorable report. If the competing forms of transportation would actually put such new rates into effect there could be no quarrel with this procedure, but they are not required to do so, nor do they anticipate placing such lower rates into effect.

As soon as I learned about this, I asked the Chief of Engineers for a copy of the directive and an explanation of its effect on waterway project analysis. The new directive provides that:

"The traffic that would move over a considered waterway improvement will depend on the competitive rates by barge and alternative means that would likely be in effect with the waterway improvement. Therefore, estimates of waterway traffic will be prepared on the basis of projected 'water-compelled' rates with consideration of all data and factors that are likely to modify current rates to take account of the competitive situation anticipated with the waterway in being, and foreseeable technological developments applicable to the several transport media.

"The benefits for the traffic (estimated as in above) that would move over an improved waterway will be computed as the difference in the projected competitive rates or charges for the movement by the alternative means that would be used in the absence of the waterway and the projected rates and charges utilizing the waterway. In developing the projected rates or charges, consideration will be given to all pertinent data and factors, including the competitive situation in the absence of the waterway, current rates, and foreseeable technological developments applicable to the several transport media. The benefits determined in this manner will be used in project justification and in the benefit-cost ratio.

"In addition, reports will include an estimate of benefits obtained by applying unit savings based on the rates prevailing at the time of the study to the waterway traffic also estimated on the basis of rates prevailing at the time of the study."

In his reply to me, the Chief of Engineers informed me that the corps, with policy guidance from the Bureau of the Budget, is constantly striving to improve its practices and procedures in carrying out its assigned responsibilities. Now this is a laudable objective, but one must question the methods proposed to achieve this objective. General Wilson's letter went on to conclude as follows: "It is probable that the savings attributable to the waterway and consequently the navigation benefits will be less on this basis than on the basis of current rates."

To understand fully the implications of the new directive, let us examine just what is meant by "water-compelled rates."

The Interstate Commerce Commission has set April 6 as the date for oral hearings on proposed rate cuts by several railroads serving North Atlantic ports on grain from four States east of the Mississippi River. Now get this, the requested reduced rates would apply only during the St. Lawrence Seaway navigation season.

If this is the manner in which the railroads will fix rates to discourage waterway traffic during the navigation season, and then as soon as the navigation season closes raise their freight rates to the previous level, we can imagine the unrealistic rates they could claim they would establish if a navigation project were to be constructed.

There is absolutely no relationship between railroad rates and cost. When the railroads argue the cost to them of hauling a particular commodity, they frequently use only the out-of-pocket cost, rather than a fully distributed cost. But just as soon as the competition is eliminated, they not only request a revision in the rates to repay the fully distributed cost, but seek to obtain all the traffic will bear.

If on the basis of projected water-compelled rates the benefits from an otherwise justifiable navigation project can be so depressed as to result in its rejection by the Corps of Engineers, the railroads can practically control the development of our inland waters for navigation purposes by simply projecting totally unrealistic rates.

From a purely domestic standpoint, one of the outstanding examples of the fallacy of this budget-inspired directive is the manner in which its application can thwart the President's program. In 1962 Congress passed an omnibus authorization bill which included the Kaskaskia River navigation project, with a benefit-to-cost ratio of 2.4 to 1. That project would—among other things—permit the economical development of 2 billion tons of high-grade coal. That year the witnesses who appeared before the committee made the point that, subsequent to the corps report on this project, five industries had taken options on land adjacent to the Kaskaskia River, with a view to erecting plants along its banks.

You can imagine what this would mean to a chronic labor surplus area such as southern Illinois. Long after the temporary employment afforded by the construction of the project would be ended, the payrolls from new plants would provide added economic benefits to this portion of Illinois, revitalizing an area so that it could contribute to the gross national product rather than be a recipient of aid.

In a letter to the late President Kennedy I cited this project as an example and suggested that he might want to consider

whether or not some of the projects contained in the authorization bill that had just passed might not be of sufficient importance to the national economy to warrant an amended budget estimate to provide for the initiation of planning. President Kennedy accepted my suggestion, sending up an amended budget to include planning for the Kaskaskia River.

Today that project must be reviewed under the new criteria. I don't know what the result will be, but I do know that if we let the new directives prevent the economic development of our land and water resources we will not achieve the degree of development in this country that will be necessary to sustain even our present standard of living.

This new directive is so fuzzy and ambiguous that few engineers can agree on its interpretation. The first navigation report to be submitted under these new criteria is the review report on the Lake Erie-Ohio Canal. Under the old method, the benefit-to-cost ratio is 3 to 1. Some of the engineers of the corps are at variance as to its interpretation, and come out with benefit-to-cost ratios ranging from 2.1 to 1.7 to 1. The railroad differ in their interpretation with all engineers, suggesting that the ratio is .65 to 1 and the project therefore is not feasible.

And now, reverting to the central Oklahoma project which is before the Board of Engineers for Rivers and Harbors, I do not know how the new procedures will affect it. It seems reasonably certain, however, that the net result will be a substantial lowering of the benefit-to-cost ratio, and although it may not result in rejection of the project, it will doubtless make it appear a less desirable investment of Federal funds. These new criteria entirely overlook the growth potential the proposed project would create. All navigation projects act as leaven to create new and expanded industries, and these in turn create more employment and new wealth.

It would seem to me a shortsighted policy to insist on criteria which would tend to perpetuate a static or no-growth climate for industrial development by continuing high transportation rates that the project would materially reduce.

It is certain that the central Oklahoma project, if tried with the same yardstick that has been used to measure the feasibility and worth of other projects that are now in operation or under construction, will produce benefits far in excess of costs. If it does, on the basis of what such projects are doing elsewhere, can we afford not to build it?

I say that we have an obligation to continue and complete the work which was started by Robert Kerr and other pioneers in the field of water resource conservation and management. With the example before us of the lost productiveness of great areas of Europe and Asia, as I mentioned before, any other course would be sheer folly.

Personally, I can assure you that I will continue to fight for the wise development of our soil and water resources. But we need your help. You can assist by your recognition and proper utilization of the resources available to you.

We are spending in excess of a billion dollars to provide navigation to Tulsa and other points on the Arkansas River, and then, hopefully, here to Oklahoma City. You can confirm our faith in your area by fully utilizing this facility and thus building a strong economy.

Attached hereto are statistical data relating to the proposed central Oklahoma project, the Arkansas Basin navigation project now under construction, and other water resource projects of the Corps of Engineers, as well as reservoirs of other Federal agencies in Oklahoma:

CENTRAL OKLAHOMA PROJECT

The recommended plan provides for the extension of navigation from the Arkansas River in the vicinity of Robert S. Kerr Reservoir to Oklahoma City, a distance of 175 miles.

PHYSICAL DATA

Navigation:	
Channel dimensions (feet)	9 by 150
Length (miles)	175
Locks	8
Total lift (feet)	460
Reservoirs: (2 recommended; 5 potential additional)	
Benefits:	
Navigation	$19,600,000
Flood control	1,500,000
Drainage	315,000
Water quality control	449,000
Recreation	1,450,000
Fish and wildlife	22,000
Total	23,336,000
Cost:	
Federal	345,000,000
Local	55,000,000
Total	400,000,000
Benefit to cost ratio:	
Former method	1.4 to 1
New criteria (currently under evaluation)	

WATER CONVEYANCE PLAN

Method: open channel, concrete lined: dimensions (feet)	26 by 19
Levels	6
Lift (feet)	804
Pumping stations	6
Length (miles)	163
Source: Hugo and Boswell Reservoirs.	
Construction schedule:	
Stages	7
Period of construction (years)	40
Cost	$263,000,000
Total cost for both features	$663,000,000

Arkansas Basin navigation project

Principal feature	Estimated cost	Percent complete Jan. 1, 1965	Fiscal year 1966 request
Bank stabilization and channel rectification	$133,000,000	73	$14,700,000
Navigation locks and dams	447,000,000	[1] 8	79,000,000
Ozark lock and dam, Arkansas	63,187,000	[1] 1	9,000,000
Webbers Falls lock and dam, Oklahoma	63,200,000	[1] 1	8,300,000
Dardanelle lock and dam, Arkansas	79,000,000	77	1,700,000
Keystone Reservoir, Okla	127,000,000	82	5,500,000
Eufaula Reservoir, Okla	119,616,000	100	
Robert S. Kerr lock and dam, Oklahoma	106,000,000	7	18,100,000
Total	1,138,003,000		136,300,000

[1] Estimated.

Reservoirs under construction

Name	Storage capacity (in acre-feet)		Estimated cost	Request for fiscal year 1966
	Total	Flood control		
Pine Creek Reservoir, Little River Basin, Okla	465,900	388,000	$21,200,000	$2,900,000
Broken Bow Reservoir, Little River Basin, Okla	1,368,800	450,000	39,600,000	7,500,000
Keystone Reservoir, Arkansas River, Okla	1,879,000	1,046,000	[1] 127,000,000	[1] 5,500,000
Robert S. Kerr	493,600		[1] 106,000,000	18,100,000
Total	4,207,300	1,884,000	[1] 60,800,000	[1] 10,400,000

[1] Amounts for Keystone Reservoir and Robert S. Kerr are included in the amounts shown for the Arkansas River navigation project.

Water resource projects in Oklahoma completed reservoirs

Name	Storage capacity (in acre-feet)		Cost
	Total	Flood control	
ARKANSAS RIVER BASIN			
Eufaula Reservoir, Okla	3,848,000	1,287,000	[1] $119,616,000
Canton Dam and Reservoir, North Canadian River, Okla	386,000	276,700	10,552,000
Fort Gibson Dam and Reservoir, Grand (Neosho) River, Okla	1,287,000	922,000	42,359,000
Fort Supply Dam and Reservoir, North Canadian River, Okla	101,800	90,700	7,562,000
Great Salt Plains Dam and Reservoir, Salt Fork of Arkansas River	292,000	245,300	4,626,270
Hayburn Dam and Reservoir, and channel improvement	57,300	49,100	2,562,000
Hulah Dam and Reservoir, Verdigris River Basin, Okla	292,500	257,800	11,208,000
Oologah Dam and Reservoir, Verdigris River Basin, Okla	1,021,000	963,000	35,100,000
Tenkiller Ferry Dam and Reservoir, Grand (Neosho) River, Okla	1,230,000	600,000	23,482,000
Wister Dam and Reservoir, Arkansas River Basin, Okla	430,000	400,000	10,501,000
RED RIVER BASIN			
Denison Dam, Tex. and Okla	5,530,000	2,694,000	67,133,000
Total	14,475,600	7,785,600	[1] 215,085,270

[1] Construction cost of Eufaula Reservoir included in the cost of the Arkansas River navigation project.

Reservoirs being planned

Name	Storage capacity (in acre-feet)		Estimated cost	Request for fiscal year 1966
	Total	Flood control		
Copan Reservoir, Verdigris River Basin, Okla	200,000	175,700	$26,500,000	$200,000
Hugo Reservoir, Red River Basin, Okla	849,500	809,500	22,600,000	200,000
Kaw Reservoir, Arkansas River Basin, Okla	1,285,000	824,000	86,600,000	[1] 164,000
Lufata Reservoir, Little River Basin, Okla	207,000	172,000	12,800,000	100,000
Skiatook Reservoir, Verdigris River Basin, Okla	223,000	141,000	23,700,000	200,000
Waurika Reservoir, Red River Basin, Okla	290,300	95,300	25,600,000	[2] 75,000
Total	3,054,800	2,217,500	197,800,000	939,000

[1] To complete planning.
[2] To initiate planning.

Planning completed

Name	Storage capacity (in acre-feet)		Estimated cost	Request for fiscal year 1966
	Total	Flood control		
Optima Reservoir	242,000	146,000	$21,000,000	

Other authorized reservoirs

Name	Storage capacity (in acre-feet)		Estimated cost
	Total	Flood control	
Boswell Dam and Reservoir, Red River Basin, Okla	1,130,000	1,094,200	$24,100,000
Birch Dam and Reservoir, Verdigris River Basin, Okla	46,800	29,800	3,245,000
Candy Dam and Reservoir, Verdigris River Basin, Okla	36,500	23,100	4,585,000
Sand Dam and Reservoir, Verdigris River Basin, Okla	91,000	51,700	6,117,000
Clayton Dam and Reservoir, Kiamichi River Basin, Okla	290,500	104,000	12,574,000
Tuskahoma Dam and Reservoir, Kiamichi River Basin, Okla	374,000	138,600	15,374,000
Total	1,968,800	1,441,400	65,495,000

Local flood protection

	Federal cost	Non-Federal
Enid, Okla	$764,200	$512,000
Jenks levee	344,797	71,775
Oklahoma City Floodway	8,047,512	8,085,700
Tulsa and West Tulsa	2,785,070	265,000
Total	11,941,579	8,934,475

Emergency bank protection projects for protection to highways, bridge approaches, and other essential public works at a cost of not to exceed $50,000 at any one location were undertaken at the following locations:

	Year completed	Federal cost
Haskell, Okla	1948	$48,070
Bradens Bend, Okla	1949	31,765
Haskell, Okla	1950	49,874
Kaw City, Okla	1952	47,091
Kaw City, Okla	1956	30,055
Tulsa, Okla.[1]	1958	11,382
Anadarko, Okla	1958	40,768
Garvin County, Okla	1959	50,000
Newkirk, Okla	1960	14,722
Ponca City, Okla	1962	47,203
Total		370,930

[1] Emergency repairs: Since 1943 the Tulsa District of the Corps of Engineers has expended $3,771,000 for flood fighting and emergency repairs to flood control structures.

Summary

Classification	Storage capacity (in acre-feet)		Total cost
	Total	Flood control	
Corps of Engineers:			
Arkansas River navigation project			$1,138,003,000
11 completed reservoirs	14,475,600	7,785,600	[1] 215,085,270
4 reservoirs under construction	4,207,300	1,884,000	[2] 10,400,000
6 reservoirs being planned	3,054,800	2,217,500	197,800,000
1 reservoir fully planned	242,000	146,000	21,000,000
6 other authorized reservoirs	1,968,800	1,441,400	65,495,000
4 local protection projects			11,941,579
10 emergency bank protection			370,930
Emergency repairs			3,771,000
Total, Corps of Engineers	23,948,500	13,474,500	1,663,866,779
Storage in reservoirs constructed by other agencies	3,665,910	1,144,750	
Total	27,604,410	14,619,250	

[1] Construction cost of Eufaula Reservoir included in the cost of the Arkansas River navigation project.
[2] The estimated costs of Keystone and Robert S. Kerr are included in the amounts shown for the Arkansas River navigation project.

Projects of other agencies, either completed or under construction

Reservoir	Storage capacity (in acre-feet)	
	Total	Flood control
Altus Dam and Reservoir, Bureau of Reclamation	164,310	21,450
Arbuckle Reservoir, Bureau of Reclamation	102,000	35,900
Fort Cobb Dam and Reservoir, Bureau of Reclamation	142,600	63,300
Foss Dam and Reservoir, Bureau of Reclamation	429,800	180,500
Markham Ferry Dam and Reservoir	445,000	244,000
Norman Reservoir, Okla. (under construction)	196,200	76,600
Pensacola Dam and Reservoir	2,176,000	523,000
Total	3,655,910	1,144,750

ADDRESS BY SENATOR ELLENDER ON ISSUES IN AID TO EDUCATION

Mr. ELLENDER. Mr. President, I ask unanimous consent to have printed, at this point in the RECORD, an address I delivered at the Southwest District Convention of the American College Public Relations Association in Oklahoma City, Okla., on Thursday, March 18, 1965. The address is entitled "Issues in Aid to Education."

There being no objection, the address was ordered to be printed in the RECORD, as follows.

ISSUES IN AID TO EDUCATION

(Address delivered by Senator ALLEN J. ELLENDER at the southwest district convention of the American College Public Relations Association in Oklahoma City, Okla., on March 18, 1965)

It is a pleasure to address an audience that is dedicated to the teaching profession. I know of no segment of our society that makes greater sacrifices for humanity than the men and women who devote their talents and their energies to the teaching of the youth of our country, so that they may become capable of carrying on the affairs of our Nation. Without doctors, engineers—in fact, scientists in all fields, even including lawyers and artists, progress would indeed not be possible.

As a southern Senator, I have always been vitally interested in the pros and cons of Federal aid to education. This might appear unusual, for without explanation it does not follow automatically that a representative of the South, deeply interested in agriculture and in the protection of our natural resources, would necessarily be concerned with education policy.

But students of history will remember that the first bill for general aid to education was introduced in the Congress in 1870, during the era of Reconstruction. Its avowed purpose was the subjugation of the

southern aristocracy, and continued Republican control of the South. Fortunately, that bill did not become law, for it envisioned strict Federal control over every facet of the Nation's public school system, and contained the seeds of one issue that has been with us ever since.

As chairman of the Senate Committee on Agriculture and Forestry, I have been in a position to observe that the enlightened agriculture and land-use policy pursued by the Congress has meant more to the growth of the Nation's system of education than any other single factor. As a matter of fact, the roots of that policy go back beyond the Constitution—to the Ordinance of 1775 which was enacted when our Government, such as it was, was operating under the Articles of Confederation. The Ordinance called for the surveying of the Northwest Territory into townships of 6 miles square. Support of public schools was to be derived from a 1-square-mile section of land reserved for that purpose in each township.

Again, acting this time under our present Constitution, the Congress wrote into the Ohio Enabling Act of 1802 provisions granting the 16th section of each township for operation of public schools. Most of the new States voted into the Union after 1802 also received two townships for the support of higher education.

Now, it is important to note here that the Congress, in making these grants, did not attempt in any way to define or influence the type of educational system to be supported by the State. No attempt was made either to encourage one or more fields of study, or to discourage others. Although the grants represented a direct form of aid to education, the Congress attached no conditions or controls over the use of the funds—except, of course, that education of the populace had to be supported. This policy led to a large degree of waste, and some fraud, I regret to say, but it remained in effect for 60 years.

I am sure all of you are familiar with the first major congressional shift that occurred in the field of Federal aid to education, since it was very important to the development of Louisiana, Oklahoma, and many other States. I refer to the enactment of the first Morrill Act, in 1862.

As may be recalled, the Morrill Act granted to each State 30,000 acres of land or its equivalent for each U.S. Senator and Representative. But no longer were these grants made without Federal controls, or under a hands-off policy. The interest from the land sales proceeds were to be devoted by the States, and I quote "to the endowment, support, and maintenance of at least one college where the leading object shall be without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts."

I might point out here that the study of military tactics was included partly because the Union generals were doing so poorly in the Civil War.

Many other conditions were placed upon the use of these Morrill land grants. The States were required to safeguard the land sale proceeds, and to invest them in such a manner as to receive a yearly income of not less than 5 percent. An annual report had to be made to Washington, and one agricultural and mechanical college had to be brought into existence within 5 years of the grant.

So, with the enactment of the first Morrill Act of 1862, we note the emergence of at least three broad issues that have affected all proposed Federal aid-to-education legislation, and all congressional action and debate from that day forward.

First, it is clearly evident that the Morrill Act was enacted because it had a limited objective that could easily be defined by the National Congress; namely, the encouragement of such branches of learning as are related to agriculture and the mechanic arts. This objective, or need, was, in turn, most necessary for an emerging nation.

Second, to obtain this limited objective, the Congress found it necessary to turn from the hands-off policy of past land-grant procedures in favor of a measure of Federal control. Without a doubt, past experience with the slipshod methods by which the land-grant proceeds were handled by the States also had a bearing on this decision. But since 1862, the issue of Federal control of education—of how much and how it is to be exercised—has been with us. And, of course, this issue is a great deal more important to elementary and secondary education than it is at the college level. This is one of the main reasons why Congress has enacted much legislation aiding higher education, particularly in recent years, but none providing general aid to the elementary and secondary schools.

The third important feature of the first Morrill Act was the provision that none of the land sale funds could be used for the purchase or construction of buildings. This forced the States to contribute some funds, and the matching principle has remained with us in one form or another.

Since 1862, much aid has flowed from the Congress to the land-grant colleges, and additional amounts have been channeled to the elementary and secondary schools through the Department of Agriculture. I will not bore you with the specific legislative details, for many of you are as familiar with these programs as I am. Suffice it to say that the Second Morrill Act of 1890 placed the support of the land-grant colleges on a basis of annual appropriations.

Federal support of research programs was begun in 1887, with the passage of the Hatch Act, which established agricultural research stations in conjunction with the colleges. This is particularly noteworthy because until 1906, grants were given to the States to help support any agricultural research program the State selected.

In 1906, this policy was changed to the present system of Federal financing for specific projects rather than general research programs. The Smith-Hughes Act of 1914 extended the principle of Federal aid for industrial and agricultural education to the public schools. Various other aids to vocational and specialized education have been enacted, and substantial amounts of Federal aid have gone to the elementary and secondary schools through the school lunch and school milk programs of the Department of Agriculture.

To return to the issues in the Federal aid question, it is obvious that all these programs have been enacted, and have met with success, because their scope has been limited to meet clearly defined needs. The best, most recent, and most massive example was the enactment of the National Defense Education Act of 1958.

This law follows closely the principles laid down by the first Morrill Act. The first Russian sputnik of 1957 called attention to the national need for more scientific and engineering manpower. It was asserted that aid to education in these areas was essential to our national defense. Thus the channel for Federal entrance into another large area of education was opened, but in a more or less specific category, almost entirely to institutions of higher learning, although an annual authorization of $70 million was set aside to aid the teaching of science, mathematics, and modern foreign languages in the elementary and secondary schools.

So far I have limited my remarks almost entirely to the issues affecting aid to higher education. Virtually all congressional action has been in this field, where the issues are much easier to chart and ascribe. Institutions of higher learning have always been more centralized, by their very definition. They have always been subject to State rather than local control, and the question of Federal control is less an issue.

We come now to another important consideration in aid to education—I refer to economics. This has been an issue of primary concern to me throughout my adult life. I learned about the economics of education the hard way, and a great part of my life has been devoted to making school attendance a little easier for the poor and underprivileged of our population. As a matter of fact, throughout my career of public service, my goal has been to keep the road of opportunity open for all our citizens. But the decision to travel that road must always be left to the individual.

Public education in the Nation, and especially in the South, did not begin its real development until the late 19th or early 20th century. The industrial revolution that swept the North and the East after the Civil War, bringing with it a high degree of urbanization and a cry for improving the public schools, left the South virtually untouched.

Before the Civil War, free education in most of the Southern States was associated primarily with charity schools for the poor, or with the churches. After the Civil War, the economic base so necessary for a viable public shcool system had been largely destroyed. The rebuilding took time and effort. I can testify to that, because for years the elementary school I attended had to be held in rented buildings, and not very good ones at that.

Two years ago, I was invited to make the principal speech at the celebration of the 15th anniversary of the construction of the 1st public school building erected with public funds in the area where I was born and reared. Imagine, only 50 years ago we were unable, in my home community, to build a public school building.

As a youngster, it once became my task to drive a makeshift, mule-powered schoolbus to take members of the Ellender clan to school 4 miles away. This was, of course, long before the compulsory attendance laws were in existence in Louisiana. To make a long story short, after a few months of patiently trying to induce my relatives to remain in school, there were so many dropouts that the bus became just so much surplus property, and I had to ride the old mule in order to go to school. I'm sure it was easier on the mule, but oh, how painful it was for me to make those 4 long miles bareback on a slow mule.

I suppose that experience served to shape my views on such things as the so-called "poverty" program and other similar spending proposals. It also illustrates the point I made a moment ago—that, though opportunity should be made open to all, it does not follow that all will seize the opportunity.

In 1911 and 1912 I learned quite a bit more about the economics of education by following the wheat harvest up through Oklahoma (Enid), Kansas, Nebraska and the Dakotas in order to earn funds for my college tuition.

Education during that early period was more of a task in the South than in perhaps any other region of the Nation. I refer not only to individual efforts, but to State efforts toward maintaining a minimum public school system.

In Louisiana, and throughout the entire Southeast, State taxes became a primary source of funds for the public school system, because many of our localities were so poor as not to have a sufficient tax base from which needed funds could be raised through local taxation. That disparity remains with us today, although it has improved somewhat in some areas.

One of the ten poorest parishes, or counties, of the Nation is Tensas Parish, in

Louisiana, on the west bank of the Mississippi. It is a rural parish, with a population of about 11,500. The median family income is $1,700, with over 70 percent of the families earning less than $3,000 a year. Yet Tensas Parish has about 4,000 children to educate each year. It is obvious that the necessary funds cannot be derived from local sources alone, or even from predominantly local sources.

In the 1920's, when I was in the Louisiana Legislature, another economic factor developed, making a bad situation worse. As an example, Beauregard Parish was once endowed with a lush crop of virgin long and short leaf pine. Its assessment of over $20 million made possible the collection of sufficient taxes to operate its schools. As the lumber was cut, assessments were reduced until they totaled less than $4 million, and the matter of continuing the parish schools became a serious problem.

To meet the situation, we imposed severance taxes on practically all of Louisiana's natural resources, dedicating most of these taxes to our State educational system. The equalization formula was used to assist poorer parishes on a basis of need, in the hope that no matter where a child lived in Louisiana, he could be assured a fair amount of education. I was one of the prime movers behind that legislation, and I am proud of my part in its enactment. It is in line with the pattern followed throughout the Southeast, and in many other States as well. Today, State taxes account for 71.5 percent of the public school revenue in Louisiana, while local funds account for only 25.8 percent. This condition prevails throughout the entire Southeast, and is a major difference between the school finances in my area and other sections of the Nation. The national average is 40 percent State and 56.2 percent local. The balance of public school expenditures comes from Federal sources.

Closely tied to the economics of education is the issue of high school consolidation. I am told that you in Oklahoma are familiar with this problem and have taken, or are taking, steps to consolidate your schools. The problem has become increasingly more serious as the cost of even a minimum school system continues to rise. My State, and most other States with large rural areas, have simply too many schools for too few pupils. Under these conditions, the cost of education per school child skyrockets. A high school with a student body of 50 or a hundred pupils cannot even begin to offer what must be considered the minimum educational facilities.

In my travels through Louisiana, I have often come across small high schools where teachers are expected and required to teach three or four completely unrelated subjects. If a foreign language teacher is available, the students are fortunate. Adequate laboratory facilities for studies of physics and chemistry are virtually unheard of.

There is no answer save consolidation—a word that cuts across all the tradition that much of our population holds dear concerning the local control and local support of the secondary schools. For years "consolidation" has been a dirty word in the lexicon of local school officials. It has strong political implications as well.

Of course, I can understand the attitude of the people. For the small town and rural community, the local high school provides a meeting place and a center for many of the town's activities. Of even more importance is the school's monthly payroll. The jobs and monthly income drawn by kitchen employees, janitors, a handful of teachers and a principal may not amount to much against outside standards, but they mean a great deal to the dollar flow through a rural community of 500 or 600 inhabitants.

I am sympathetic with the local people, who see in school consolidation the threat that economic processes already working against them will be accelerated. But the fact is that those being hurt the most through the continued maintenance of inefficient and uneconomic education facilities are the students themselves. Too few of them are prepared to enter our colleges, and in a majority of instances, those that do enter find themselves unable to compete. They find that other students, from larger schools, have had good backgrounds in foreign languages, and in mathematics, plus the advantages of well-staffed and well-equipped science laboratories. One of the results is a high college dropout rate, and a high State expense for a relatively smaller student gain.

The current aid to education bill before the Congress raises many issues, but I predict that the attention of Congress and the public will become focused ever more firmly on the economic problems it presents.

In 1947 and 1949, the late Senator Robert Taft and I joined in drafting and sponsoring the first general aid to education bills to pass the U.S. Senate in the 20th century. President Johnson referred to our efforts recently when he quoted from a speech by Senator Taft in support of Federal aid to primary and secondary education.

In those two bills, known as the Education Finance Acts, we sought to place a "floor" of $40, and then of $45, under the per pupil expenditure for education in each State. We sought to help those States which were trying to help themselves, and we also worked out language to insure that no State would be able to reduce its educational efforts as a consequence of the Federal aid being received.

Senator Taft and I were rather modest in our approach. We envisioned a yearly expenditure of about $300 million. The administration is now speaking in terms of over a billion dollars a year.

But the most significant change incorporated in the current proposal lies in the formula used for the distribution of aid. As presently written, that formula would provide aid to virtually every one of the 37,000 school systems in the United States, regardless of need and regardless of past and present State effort.

That formula, as most of you probably know, would be based on the number of children in each school district from families earning less than $2,000 a year. The number of children from families on public welfare has now been added in. To ascertain the amount of Federal grant aid available to each school district, the number of children from families earning less than $2,000 per year is to be multiplied by one-half the average public school expenditure per child.

The application of this formula leads to some unusual results. At least they appear to me to be unusual. Montgomery County in Maryland, one of the suburbs of Washington, D.C., is the richest county in the Nation. Forty-five percent of its families have an income of over $10,000 per year. Only 5.5 percent earn less than $3,000 per year. There are only 2,343 children—2 percent of the total school population—from families earning less than $2,000 per year. Compare this with Tensas, the Louisiana parish I mentioned earlier as being among the poorest in the Nation.

In Tensas, 1,651 children make up 41 percent of the school population and come from families with less than $2,000 annual income. Though there are only 691 more children involved in the richest county in the Nation than in the poorest, the richest is in line to receive $243,489 more per year than the poorest.

Our richest State, New York, spends $705 per year per child in the education of its children. Louisiana spends only $399. But Louisiana spends 6.4 percent of its citizens' yearly income on education, while New York spends only 4.2 percent. Yet Westchester County, one of the suburban areas of New York City, and one of the 10 richest counties in the Nation, would receive $2.2 million in direct school aid grants under this bill.

I believe this formula needs close scrutiny, and perhaps it should be shifted a bit in favor of those counties that need help the most, and those States which have laid heavy tax burdens on their citizens in an effort to improve the standards of their school systems. I am hopeful that the Senate Committee on Labor and Public Welfare, or the Senate as a whole, will take action along those lines.

I have not decided how I shall vote on the issue. It is my belief that any Federal help for our elementary and secondary schools should be made direct to the children in need. Such a plan would make possible assistance to all children in need, no matter whether they attend public or private schools. We have adopted such a plan in Louisiana in providing books, transportation and other benefits to the children. I fear that direct aid to all schools will clash with serious constitutional questions. On the other hand, if ever the Federal Government starts contributing funds to public schools to pay teachers, construct facilities, and other functions carried on by the States, it will only be a question of time before the States become prone to drag their feet in the field of education.

In closing, let me point out that the question of whether the Federal Government should extend direct aid to all schools is still a burning issue. For better or worse, I hope the issue can be resolved once and for all. Doubtless, the schools and schoolchildren of the Nation are going to benefit greatly, provided our Nation doesn't go broke in the process.

ADDENDUM

Federal research and development contracts as an aid to education

Federal expenditures for research and development have risen from 1 percent of the Federal budget 20 years ago to over 15 percent of the budget today. Total expenditures by the Government in this field over the last several years follows:

[In billions]

Year 1963	$11.9
Year 1964	14.8
Year 1965 (estimated)	15.28
Year 1966 (requested)	15.5

Over 80 percent of these totals have been spent for contract work performed outside of the Government. The distribution of these funds received in fiscal 1963 by the State of California provides an illustration of how Federal research and development funds are distributed generally.

California distribution

Profit organizations	$3,239,856,000
Educational institutions	426,778,000
Nonprofit organizations	137,540,000
Miscellaneous	3,647,000
Total	3,807,821,000

In fiscal year 1963, a total of $9.8 billion was spent by the Government for research and development outside governmental agencies. California received 38.4 percent of this total amount; New York received 9.2 percent of the total; and Massachusetts received 4.6 percent.

Of the total research and development effort by the Government, $1.5 billion went directly to colleges and universities. Seventy-seven percent of this $1.5 billion went to universities located in 10 States. Almost one-third of the total was spent in California. The amount allocated to the universities in California exceeds the funds apportioned to the 40 States ranked below the top 10 by more than $90 million.

The following table shows how these funds were distributed among the top 10 States:

State	Major recipients [1]	Amount
1. California	University of California: Berkeley, San Diego	$426,778,000
	Stanford University	
2. Massachusetts	Harvard University, MIT	175,226,000
3. New York	Columbia University, Cornell University, New York University, Syracuse University	126,725,000
4. Illinois	University of Illinois, Chicago University, Northwestern University	105,537,000
5. Maryland and the District of Columbia	Johns Hopkins University, University of Maryland	89,065,000
6. New Mexico	University of California	83,451,000
7. Pennsylvania	Carnegie Tech, University of Pennsylvania, University of Pittsburgh	50,581,000
8. Michigan	University of Michigan, Michigan State University	39,233,000
9. New Jersey	Princeton University	28,770,000
10. Texas	University of Texas	27,062,000
All other States		336,488,000
Total		1,488,916,000

[1] Does not include all universities which received contracts or grants.

Source: Report of National Science Foundation to House of Representatives Space Committee, modified by data from Senate Appropriations Committee hearings for independent offices, 1965.

Because of this heavy Federal investment in a few areas, or to a few universities, they become very attractive to those students who win National Science Foundation fellowships. This Federal expenditure results in a "brain drain" from less fortunate sections of the country of both talented students and faculty.

The following table illustrates the distribution of National Science Foundation fellowships awarded in 1962:

University beneficiaries of National Science Foundation fellowships awarded in fiscal year 1962

Universities	Total fellowships	
	Number	Amount
1. University of California	361	$1,384,465
2. Harvard University	277	1,018,946
3. MIT	265	965,290
4. Princeton University	167	582,686
5. University of Illinois	159	550,571
6. University of Wisconsin	144	516,066
7. University of Michigan	130	501,336
8. California Institute of Technology	130	499,986
9. Columbia University	117	378,956
10. Purdue University	102	346,937
11. University of Minnesota	100	300,778
12. Cornell University	98	311,244
13. University of Chicago	94	307,403
Subtotal	2,144	7,664,644
All others	2,647	10,565,820
Total	4,791	18,230,484

Source: Senate Appropriations Committee, "Hearings on Independent Offices Appropriation Bill for Fiscal Year 1964."

AUTHORIZATION FOR SECRETARY OF SENATE TO RECEIVE MESSAGES; THAT COMMITTEES BE AUTHORIZED TO FILE REPORTS; AND THAT THE VICE PRESIDENT OR PRESIDENT PRO TEMPORE BE AUTHORIZED TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that during the adjournment of the Senate, following today's session, until March 25, 1965, the Secretary of the Senate be authorized to receive messages from the President of the United States and the House of Representatives; that committees be authorized to file reports; and that the Vice President or President pro tempore be authorized to sign duly enrolled bills and joint resolutions.

The PRESIDING OFFICER (Mr. MONTOYA in the chair). Without objection, it is so ordered.

ADJOURNMENT UNTIL NOON ON THURSDAY, MARCH 25, 1965

Mr. MANSFIELD. Mr. President, if there is no further business to be transacted, I move that the Senate adjourn until 12 o'clock noon on Thursday next.

The motion was agreed to; and (at 2 o'clock and 20 minutes p.m.) the Senate adjourned until Thursday, March 25, 1965, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

MONDAY, MARCH 22, 1965

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., used these words from Mark concerning the Master: *And in the morning, rising a great while before day, He went out, and departed into a solitary place, and there prayed.*

Almighty God, as we go forth into the hours of this day, may we feel the urge of renewing our strength in the quietude of prayer that Thy spirit may permeate and uphold our spirit, giving it new height and depth, dignity and dedication, instruction and inspiration.

Grant that our minds and hearts may respond to humanity's cry for justice and freedom and a more brotherly social order, but we know that we have need of patience lest our feverish and fretful hurry may be our disappointment, our distraction and defeat.

Fill all mankind with more charity of spirit, more sincerity of soul, more self-forgetting humility and a more intimate fellowship with Thee that our life may be endued with peace and power.

Hear us in Christ's name. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, March 18, 1965, was read and approved.

JOINT COMMITTEE ON INTERNAL REVENUE TAXATION

The SPEAKER laid before the House the following communication, which was read by the Clerk:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, D.C., March 16, 1965.

Hon. JOHN W. MCCORMACK,
Speaker of the U.S. House of Representatives,

DEAR MR. SPEAKER: Pursuant to section 8002 of the Internal Revenue Code of 1954, the following members of the Committee on Ways and Means have been designated as members of the Joint Committee on Internal Revenue Taxation: Hon. WILBUR D. MILLS, Hon. CECIL R. KING, Hon. HALE BOGGS, Hon. JOHN W. BYRNES, Hon. THOMAS B. CURTIS.

Sincerely yours,

WILBUR D. MILLS,
Chairman.

SUBCOMMITTEE NO. 5 OF THE COMMITTEE ON THE JUDICIARY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that Subcommittee No. 5 of the Committee on the Judiciary may be permitted to sit during general debate on March 23, 24, and 25.

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

Mr. HALEY. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

DISTRICT OF COLUMBIA BUSINESS

The SPEAKER. This is District of Columbia day. The Chair recognizes the gentleman from South Carolina [Mr. MCMILLAN], chairman of the Committee on the District of Columbia.

CALL OF THE HOUSE

Mr. SISK. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently, a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 41]

Andrews, Glenn	Friedel	Mackay
Ashbrook	Fulton, Pa.	May
Blatnik	Fulton, Tenn.	Miller
Boggs	Gibbons	Morton
Bonner	Hansen, Wash.	Moss
Buchanan	Harvey, Ind.	Ottinger
Burton, Calif.	Helstoski	Redlin
Cederberg	Holifield	Reid, N.Y.
Clausen, Don H.	Holland	Rhodes, Ariz.
Clevenger	Howard	Rogers, Tex.
Conte	Jarman	Roncalio
Corman	Jennings	Roosevelt
Dulski	Johnson, Okla.	Roybal
Dwyer	Jones, Ala.	Schmidhauser
Ellsworth	Keith	Steed
Everett	Keogh	Sweeney
Findley	King, Calif.	Teague, Tex.
Fino	Laird	Toll
Flood	Long, La.	Vivian
Flynt	Long, Md.	Waggonner
Frelinghuysen	McDade	Weltner
	McVicker	Widnall

The SPEAKER. On this rollcall, 369 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

THE LATE ROY P. WILKINSON

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

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

There was no objection.

Mr. HARRIS. Mr. Speaker, with deep sorrow, I announce to the House the passing of one of our beloved employees, Roy P. Wilkinson, on March 18.

"Roy," as he was affectionately referred to by everyone who knew him, departed this life 3 months after undergoing surgery for a malignant brain tumor, thus bringing to a close 22 years of faithful service to the Committee on Interstate and Foreign Commerce.

He was born in Chicago on November 1, 1910, and was educated in the public schools in that city. From 1933 to 1940 he was employed by a paint and varnish company in Atlanta, Ga., after which he came to Washington to work for the Seaboard Railway. When World War II began, Roy served in the Army in the Office of Personnel, and in April 1943 came to the Committee on Interstate and Foreign Commerce and remained with us until the time of his death.

To know Roy was to love him. He had an engaging personality, and his eagerness to help others endeared him to many Members and employees of this House. He had a wealth of information about the bills, hearings, and reports that were handled by the committee over the years, and many times Roy would come up with answers to questions on legislative history that could not be supplied by anyone else. His retentive memory soon earned for him the respected title of "The Answer Man." Committee members were advised to "Ask Roy for straight answers."

Roy will be laid to rest with full military honors in Arlington Cemetery this afternoon. Church services will be conducted at the Asbury Methodist Church, 11th and K Streets NW., at 1:30 p.m.

He is survived by a daughter, Veeda Kay Wilkinson, three sisters, Mrs. Ann Toliver, Mrs. Emma Perkins, and Mrs. Isma James, and one brother, George Wilkinson.

Mr. Speaker, on behalf of the Committee on Interstate and Foreign Commerce, with a sad and heavy heart, I extend to these surviving loved ones of our dearly departed employee our deepest sympathy, and pray that God grant him eternal peace.

Mr. NELSEN. Mr. Speaker, will the gentleman yield?

Mr. HARRIS. I am delighted to yield to the gentleman from Minnesota.

Mr. NELSEN. I should like to join the gentleman in paying our respects to a most beloved friend and servant, in Roy. Those of us who have served on the Committee on Interstate and Foreign Commerce who learned to know him will always remember him as a very pleasant, able, and dedicated public servant.

I thank our chairman for paying this tribute to a great American, and I join with him in extending our sympathy to a bereaved family.

Mr. BECKWORTH. Mr. Speaker, will the gentleman yield?

Mr. HARRIS. I am glad to yield to the gentleman from Texas.

Mr. BECKWORTH. I wish to subscribe totally to what the gentleman has said about Mr. Roy Wilkinson. He was one of the most faithful and dedicated men I have known here in the period I have served. I know all of us who knew Roy the best share with the chairman of the great Committee on Interstate and Foreign Commerce the sadness which is in our hearts.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Indiana.

Mr. HALLECK. Mr. Speaker, as a onetime member of the great Committee on Interstate and Foreign Commerce, it was my happy privilege to come to know Roy Wilkinson. I have maintained my acquaintance with him since those early days when he first came here, although I have not been a member of the committee for a number of years.

I join wholeheartedly in everything that has been said here. Roy has been a diligent and faithful worker here in the Congress of the United States—his helpfulness always available, his kindness always evident. He has been most useful in the work of the committee. His contributions know no end.

It is with deep regret that I have learned of his passing.

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. I wish to join the gentleman from Arkansas in paying tribute to Roy Wilkinson.

When I first came to Congress I was a member of the great Committee on Interstate and Foreign Commerce and became acquainted with Roy, serving as a member of that committee, I might also say under his tutelage, because he helped all of us in those days.

He has always been a well-informed employee of this House, a man dedicated to the job which he had, which he performed so well and ably. He was always a gentleman and always generous in his understanding and in his help to all of us, whether members of the majority or minority party on the committee.

Mr. KORNEGAY. Mr. Speaker, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from North Carolina.

Mr. KORNEGAY. Mr. Speaker, I should like to join with my chairman in the expressions of sympathy which he has made over the sad and sorrowful news of the passing of our good friend, Roy Wilkinson. I extend to his family my heartfelt sympathies at this time of their great loss.

Mr. ROGERS of Florida. Mr. Speaker, I was greatly saddened when I learned of the passing of Roy Wilkinson who for 22 years had been the faithful employee of the Committee on Interstate and Foreign Commerce. Roy was a friend of my father who served on Interstate before I did and he was held in high regard by him as well.

I wish to extend my sympathies to his family who I know will miss him greatly. Roy Wilkinson was a friend of all the members of our committee and I know they join me in paying tribute to him.

GENERAL LEAVE TO EXTEND

Mr. HARRIS. Mr. Speaker, I ask unanimous consent that all Members who wish to do so may extend their remarks on this subject at this point in the RECORD.

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

There was no objection.

DISTRICT OF COLUMBIA CRIME

Mr. WHITENER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5688) relating to crime and criminal procedure in the District of Columbia; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate on the bill be limited to 2 hours to be equally divided and controlled by the gentleman from Minnesota [Mr. NELSEN] and myself.

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

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from North Carolina.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 5688 with Mr. LANDRUM in the chair.

The Clerk read the title of the bill.

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

Mr. WHITENER. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, the bill, H.R. 5688, which we now consider is one which has caused a great deal of discussion in the Committee on the District of Columbia, in the Congress, and in the Nation. During the past few weeks it has been very interesting to me to note that in the area which I am privileged to represent there has been a great deal of interest manifested by our people as to the problem of crime in the District of Columbia. I am sure that every Member of this House who has the privilege that I have of getting home on weekends must have found the same to be true in his own district. So, we are not talking about legislation which is just of local interest. We are talking of legislation which is of national interest.

This bill is practically identical to a similar bill which was before the House in the 88th Congress. At that time the

bill was passed on a rollcall vote by approximately a 2-to-1 margin. I express the hope that on this occasion we will have the same experience. When the bill went to the other body it languished there until the end of the Congress and no final action was taken upon it. This has caused some of our colleagues to say to me that they do not understand why we want to go through the torture of working, as we have, on this legislation in the light of that experience with the other body in the past Congress. My answer is that as far as responsibility is concerned each of us has his own individual responsibility. It seems to me that with the known statistical record in the field of crime in the District of Columbia, our Nation's Capital, none of us could engage in more beneficial work than to try to help stop the tide of crime in this area.

This legislation will not in itself bring about a complete elimination of crime; no one contends that. It is our feeling that it will help in the battle against crime.

This problem of crime in the District of Columbia has been recognized by many outstanding Americans. I note that in a special message to the Congress our President said this, among other things:

> The impairment of the security of person and property, and the mounting rates of juvenile crime, are matters of major concern. * * * Crime will not wait while we pull it up by the roots. We must have a fair and effective system of law enforcement—our police, our criminal courts, and our correctional agencies.
>
> This neglect must not continue, and the District should be the first to remedy it.

We say that this legislation has as its purpose the bringing about of a fair and effective system of law enforcement in order that our police may do their duty and that the courts may see theirs.

Mr. Chairman, recently in an address by the president of the American Bar Association, he observed that among other things:

> We must act now to protect decent citizens from criminal molestation of their persons and property. Improvement in administration of criminal justice, especially in its certainty and swiftness, would help restore the state of law and order which is so urgently needed.

This gentleman, the president of the American Bar Association, had this further to say:

> There is a growing body of opinion that the rights of law-abiding citizens are being subordinated. The pendulum may have swung too far in favor of affording rights which are abused and misused by criminals.

Back some time ago when an unfortunate decision was handed down by a majority of the membership of the Court of Appeals of the District of Columbia, the chief judge of that court, the highest court in the District of Columbia, in his dissenting opinion had this to say, among other things:

> In our concern for criminals we should not forget that nice people have some rights too.

Mr. Chairman, the purpose of this legislation is to bring the enforcement of the law back into focus and to say by our action we feel that an increase of 25 percent in crime between 1963 and 1964 in the District of Columbia is further evidence of the wisdom of the House of Representatives in the 88th Congress and the wisdom of a majority of the Committee on the District of Columbia in reporting out this bill in the 89th Congress.

Briefly, and I must be brief because this is an omnibus crime bill and there are many of our colleagues who desire to be heard, this bill would in title I eliminate the Mallory rule which was enunciated by the Supreme Court in June 1957 insofar as cases arising in the District of Columbia are concerned.

Now, Mr. Chairman, there are many who say that what we propose to do here is violent and should not be done. But I would point out to the members of the committee that the Committee on the Judiciary of the House of Representatives on at least two occasions has brought a bill identical to title I in the present bill to the floor of this House and it has been passed and sent over to the other body. I believe on one occasion there were only 79 who voted against it.

Mr. Chairman, on three occasions similar legislation has come from the Committee on the District of Columbia, identical in language to title I of this bill, relating solely to the District of Columbia—as it does in this title I—and it has been approved on those occasions by the House of Representatives.

There is nothing new about this. You gentlemen who have served in previous Congresses have taken positions upon this title. We see no violence to be done to the rights of any citizens by the enactment of it.

If I may briefly state its purpose, it is to say that the only test as to the admissibility in evidence of a confession or an admission against interest by an accused is the test of voluntariness. This title would not in any way make an admission against interest or a confession admissible in evidence if it were tainted in any measure by involuntariness. It merely provides here that the time between the confession or admission and arraignment shall not be and of itself deemed to render the admission against interest inadmissible in a criminal case in the District.

Title II of the bill deals with the so-called Durham rule which results from judicial action in cases involving the District of Columbia. Under the Durham rule it is now the burden of the prosecution to negate any suggestion of mental abberation or mental disorder or low mentality on the part of the defendant. This may be raised by the defendant by some rather casual statement on the witness stand such as on cross examination he said: "I do not know why I did this. I must have been crazy." Under the Durham rule it is now the burden of the prosecution with no notice prior to the trial of any contention of mental incompetence to assume a burden unknown to the law in other jurisdictions of presenting evidence to satisfy the court and jury that this man was not under mental disability.

I am sure you Members who are lawyers know that it is a time-honored presumption of law that every person is presumed sane until there is evidence to the contrary. It seems to be a universal rule that one in a criminal case who would seek to exculpate himself on the ground of mental incompetence, finds that the burden is upon him to come forward with evidence to satisfy the jury that at the time he was laboring under this alleged unfortunate visitation.

The only exception is the State of Oregon where by statute it is the duty of the defendant not only to satisfy the jury but to satisfy the jury beyond a reasonable doubt. This as far as I know is the only State that has that rule.

We would say by title II a defendant in the criminal court, if he should raise this issue of mental capacity, it is his duty to come forward with evidence to satisfy the court and jury, the court in the case of the preliminary proceedings, and the jury in the case of the substantive proceedings, that he should not be held accountable for the offense because of his mental condition.

Title III of the legislation deals with the detention for investigation of persons where the police officers have probable cause to suspect that they have committed a crime. This bill would limit that period to 6 hours. It provides that if after that investigation it appears the defendant should not be charged with an offense then he is not to be in any way embarrassed by it by having it recorded as an arrest. This title would also provide for the holding of material witnesses, requiring them to give security for their appearance. This is a procedure which I believe is generally understood and followed in most of the jurisdictions.

Title IV of the act is very brief, and as far as I know there is no dispute about it. It would correct what we believe is an oversight in the District of Columbia Code to define robbery as a crime of violence.

Title V is composed of eight sections.

These sections provide, first of all, in crimes of assault with intent to kill, rob, rape or poison, there shall be inserted in the present law a provision for a minimum sentence of 2 years. The maximum sentence of 15 years in existing law is not changed in any way.

Section 502 of this title defines the crime of burglary in the first degree and burglary in the second degree. Burglary in the first degree, of course, would be what we all know it to be, the breaking and entering of a dwelling house in the nighttime while that dwelling house is actually occupied, for the purpose of committing a felony of some type on the premises.

Burglary in the second degree is the breaking and entering of premises used as a dwelling or sleeping apartment whether or not occupied at the time and it provides a punishment in such a case in a lesser degree than the punishment for burglary in the first degree.

The amendment to existing law as provided in section 503 would raise the minimum penalty for robbery—which under the present law is 6 months—to 5

years. It would not change the maximum in the present law of not more than 15 years imprisonment for robbery with dangerous implements or means.

Section 504 is one which deals with corruption in athletic contests. We felt, after studying the law with reference to this subject in the District of Columbia, that we should take advantage of the experience in this field of other States and bring this law up to date. It would apply to athletic events and to those participating in them who might be involved in either throwing games or shaving points or in any other way interfering with the proper playing in these athletic events.

Section 505 would provide additional punishment for committing crimes while armed. This part of the bill would change the existing statute which gives the court permission in the case of these violent crimes while armed to impose certain additional punishment. We merely strike out the word "may" and say "shall" so as to provide that in addition to the penalty for the crime, on the first conviction the defendant shall be given an additional term of 5 years; on second conviction and additional penalty of 10 years; on a third conviction the punishment should be 15 years and on the fourth or any subsequent convictions, the added punishment will be 30 years.

This authority is now available in the law in the District of Columbia, but never used. This would merely make it mandatory that that be done.

Section 506 deals with the indecent publication situation. This is the result of a great deal of study by our colleague, the gentleman from Texas [Mr. DOWDY] and other members of the committee.

In this section of the bill there are some appreciable changes as to the legislation we have had before. This is so because of the more recent Supreme Court decisions. I am sure that even those who do not agree with Mr. DOWDY on this section, his colleagues who served with him on the subcommittee and on the full committee will agree that every reasonable effort has been made to resolve those differences and to meet the test which must be met under the decisions of the court.

Section 507 would amend the present law with reference to the use of explosives within intent to destroy or damage property. Under the present law, the penalty is a fine not exceeding $1,000 or imprisonment not exceeding 10 years. The amendment provides for a minimum sentence of not less than 5 years. I believe no one would contend that one who was so destitute of proper thinking as to put explosives under a dwelling house or piece of real estate or building occupied or any other property should be treated any more gently than to be given 5 years in prison. I believe in my State the penalty may be up to 40 years for that sort of thing.

Members will remember that in the 88th Congress the Judiciary Committee, at the request of the Attorney General, brought forth legislation on this subject, which I believe put the punishment higher than this bill, but my memory could be faulty on that.

Section 508 would provide that it is a misdemeanor to make false reports to the Metropolitan Police Department in connection with law enforcement matters. This would merely codify a regulation of questionable validity which already exists in the District of Columbia.

That, briefly stated, is what the general provisions of the bill include. I regret that I have taken so much time, because there are many others who would like to be heard.

May I briefly undertake to answer some of the contentions we have heard with reference to the bill.

I quote this word "extracted" used by some of our opposing colleagues. One contention is that title I would permit police officers to extract in some improper way a confession from a prisoner. There is nothing in this legislation to that effect. The test of voluntariness would still be there if the confession is held admissible. The Mallory decision, which brings about the necessity for this legislation, turned on rule 5 of the Rules of Criminal Procedure of the Federal Courts. In that decision the court did not in any way suggest that there was any lack of voluntariness on the part of Mallory's confession. The court merely said that the delay between arrest in nighttime and arraignment in the morning was too long, and therefore, it was not an admissible confession.

We would say by this bill merely that delay in and of itself would not vitiate an otherwise voluntary confession so far as its admissibility into evidence is concerned.

It is said by some of the opponents that our dealing in title II with the Durham rule would reinstate the outmoded right and wrong test in cases involving insanity or mental illness. Members of the House, we say that is not an accurate statement, because what we are doing by this title II is undertaking to bring the law back to where it generally is in the Nation, merely getting away from this proposition of criminals being turned loose simply because of some ex parte irrelevant statement as to mental condition which the government, in the middle of the trial, is not prepared at that moment to meet.

This title is based upon studies by the American Law Institute. It is almost exactly, if not exactly, the language proposed by them.

I feel that there is no real problem about it. I know that many of you have not had the time to read this voluminous report. Do not be misled by cavalier arguments which have no basis in fact, as some of these arguments that the opponents and some of the newspaper people have been contending for.

Now, as to title III, there is some controversy about that. This implies, according to our opponents, that there would be some unfair treatment of people who were brought in for questioning by the police. My answer to that is that even the Supreme Court of the United States in a recent decision pointed out again that interrogation is the best means of solution of crime that man knows.

All the technical implements we may have do not adequately fill the need if we are to protect the nice people from the criminals. As one judge pointed out in another decision—and I am not sure whether it was the Supreme Court or the Circuit Court of Appeals in the District of Columbia—if interrogation is so bad in ferreting out crime, then why do we not do something about our system of trying cases in court, because, as he says, in the courts interrogation is the method that you use. So there is no reason to try to shackle the police departments by denying them the right to interrogate witnesses or persons where probable cause exists to believe that they are involved in a crime. I would further point out—and I know my experience is the same as that of many others who have had the responsibility of serving as prosecuting officers—that frequently every reason and every probable cause may exist for any person to think that a particular individual is guilty of a crime. Then when that individual is brought in and is given an opportunity to tell his story and to explain where he was, the officer, if given a reasonable period of time, can verify the alibi of this individual and save great embarrassment to him and to the people of the area. This is not an unusual occurrence.

I know that the officers here in the District of Columbia, based upon the record before us, did not abuse this detention arrest procedure prior to the time that the District Commissioners issued what I deem to be an ill-advised order prohibiting it. It seems to me this provision is vital if we are to have proper law enforcement.

I know the arguments and the feelings of many. In my State the statute provides for 12-hour detention. In other States its provides for greater lengths of time. Back several years ago when it was my privilege to serve as a member of the Commission on the Improvement of Administration of Justice in our State, this was one of the things with which we had to deal.

Therefore, I am not unappreciative of the feeling of some that there may be abuse of detention arrest. I do not believe that there is anything to support the contention that it has been done to such an appreciable degree as to warrant taking away from the law-abiding citizens of the community this type of protection.

Let me also say something on the Durham rule. I know that there is no more difficult area in modern society than this problem of mental incompetence in the field of criminal law. There has been much study on it. There has been great concern by many about the old right-and-wrong test which is handed down to us in the old English M'Naghten case.

But I believe that we have here a better solution than you will find in most States of the Union. Several years ago, as a member of the committee on crime and psychiatry of our State bar association we worked on this program, just as many of these gentlemen who serve on our commitee have worked with it. We undertook to study procedures both here and abroad to see if in some way we could find a solution other than having

the jury guess at mental competence. It is a problem. I would be the last to deny that it is a problem. But I say to you that under this American Law Institute proposal, as we have written it into this bill, I believe that we have created perhaps a model which will be followed by the States of the Union.

I have observed that our opposition has made some contention that we did not have adequate hearings on this legislation in the 89th Congress. My answer to that is that we had exhaustive hearings in the 88th Congress, not only in the House Committee on District of Columbia but we had joint hearings with the Senate Committee. The record is complete. We have made available to everyone, including the members of the committee, a report on the newer crime figures which bring this situation up to date.

I say to you, Mr. Chairman, that the time is at hand for us to undertake to do something to impede the increase in crimes of violence here in the District of Columbia. It is not sufficient for us to criticize what others have done. I think it is the duty of everyone who would criticize to come up with suggestions. We think it is unfortunate that there are those who would undertake to say that this matter should be studied for several more years, because I agree with the President of the United States that we must do something now to stop crime insofar as we can humanly do so. And then if there are studies that can be made of a sociological nature we should do that.

I was impressed in our joint hearings in the 88th Congress by something that Judge Holtzoff, one of the senior judges of this area—I believe he is now retired—had to say on the subject about which we read so many editorials in the District of Columbia about culturally deprived people being the cause of crime. This very distinguished and elderly judge had this to say:

> I think it is superficial to refer to poverty and slum conditions as the cause of crime. Fifty years ago we had much more poverty and many more slums in the big cities and yet there was much less youthful crime. So, too, lack of opportunity. There was much more lack of opportunity 50 years ago for certain groups of people than there is today and there was less crime.

That is what the distinguished Judge Alexander Holtzoff had to say before the committee.

Mr. Chairman, whatever the cause of crime, whatever the sociological opinions may be as to the cause of crime, crime is an existing fact here in the District of Columbia. I believe since 1957 the increase in major crimes designated as part I crimes by the Federal Bureau of Investigation is 94 percent.

So, Mr. Chairman, this seems to me to give us a challenge. I plead with all of the Members of the Committee of the Whole House on the State of the Union to help us in this matter in which we are engaged. If Members have better suggestions, give them consideration as you complain about what we have done.

Mr. Chairman, I reserve the balance of my time.

Mr. NELSEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Committee on the District of Columbia has held many hearings on this piece of legislation and held extensive hearings in the 88th Congress.

The chairman of our committee, the gentleman from South Carolina [Mr. McMillan], time after time has pointed out that the attention of the public is directed to our committee toward seeing what we are going to do about the crime situation in the District of Columbia.

It is our responsibility to do something about it.

The gentleman from North Carolina [Mr. Whitener], the chairman of the subcommittee, has worked hard and long on every detail of this bill.

I believe it can be said with some merit that some phases of this bill have not been extensively heard at this session of Congress. However, the record is complete insofar as previous sessions are concerned in all details as to this particular piece of legislation.

Mr. Chairman, I believe all of us who read the newspapers every day must recognize that crime runs rampant and that something needs to be done about it. If one reads the record of a year ago one will find that the law enforcement officers were desperate as to the machinery they needed for proper law enforcement in the District of Columbia.

I believe it also must be said that the lawless element also reads the papers, and they seem to know just what they can get away with.

But, Mr. Chairman, when we look at the crime movement in the District of Columbia it is appalling. I have here in my hand the "Crime Index Offenses." I shall insert it in the Record and ask that it be considered along with my remarks.

The document follows:

Crime index offenses—Calendar year 1964

[Cities 500,000 to 1,000,000 population]

City	Population, 1960 census	Total offenses	Murder	Rape	Robbery	Aggravated assault	Housebreaking	Larceny, $50 and over	Auto theft
Baltimore	939,024	18,245	144	147	1,385	2,595	4,793	5,007	4,174
Boston	697,197	19,011	52	84	858	884	4,582	2,349	10,202
Buffalo	532,759	9,798	21	42	379	347	4,096	2,208	2,705
Cincinnati	502,550	6,871	38	113	457	702	2,764	1,709	1,088
Cleveland	876,050	17,254	116	106	1,691	1,088	8,739	1,042	4,472
Dallas	679,684	12,852	149	114	664	930	5,634	1,573	3,788
Houston	938,219	27,787	137	236	1,437	2,499	13,995	4,973	4,510
Milwaukee	741,324	9,965	29	51	245	442	2,324	3,938	2,936
New Orleans	627,525	19,626	82	152	1,289	1,074	6,970	4,455	5,604
Pittsburgh	604,332	16,556	41	139	1,132	759	5,777	3,427	5,281
St. Louis	750,026	26,692	120	249	2,202	2,054	13,463	2,767	5,837
San Antonio	587,718	14,697	57	78	339	1,036	6,843	4,320	2,024
San Diego	573,224	9,859	17	52	419	447	3,073	4,089	1,762
San Francisco	740,316	24,303	51	93	1,708	1,653	9,974	3,663	7,161
Seattle	557,087	11,718	23	72	491	328	4,932	3,983	1,889
Washington, D.C.	763,956	22,932	132	96	2,279	2,605	8,910	3,518	5,392
Rank order, Washington:									
Actual number		4th	4th	9th	1st	1st	4th	9th	5th
Rate per 1,000 population		4th	2d	10th	1st	1st	5th	10th	6th

Mr. NELSEN. Mr. Chairman, here in this "Crime Index" we have listed the cities of Baltimore, Boston, Buffalo, Cincinnati, Cleveland, Dallas, Houston, Milwaukee, New Orleans, Pittsburgh, St. Louis, San Antonio, San Diego, San Francisco, Seattle, and Washington, D.C.

In this list of cities in the category of "total offenses" Washington, D.C., is fourth. In the "percentage of murders" it is fourth. In the category of "rape" it is ninth. It is first in the category of "robberies." It is first in the category of "aggravated assaults." It is fourth in the category of "housebreaking," and in the category of "larceny involving $50 or more" it is ninth.

Mr. Chairman, if the computation is taken on the rate of 1,000 population the record is even worse.

So I want to say, Mr. Chairman, that in our committee the vote in support of this bill was 14 to 9. I supported the bill in committee. I supported it a year ago.

Without question, Mr. Chairman, legal minds will find some points on which they differ. I am sure that there may be some things ironed out in conference.

Mr. Chairman, I feel that this bill should be passed. I am in support of the bill.

Now, Mr. Chairman, I yield 15 minutes to the gentleman from Virginia [Mr. Broyhill].

Mr. BROYHILL of Virginia. Mr. Chairman, I wish to express my wholehearted support of H.R. 5688, the bill now pending before this body.

This proposed legislation is one of the most vitally important measures which have been considered by the Committee on the District of Columbia for many, many years, as it comes to grips with the gravely serious problem of the rapidly increasing crime rate in the Nation's Capital—a problem with which no citizen can sympathize, and which no decent-thinking person can condone.

We have heard a great deal about statistics on the incidence of crime, some to the effect that in some categories the crime rate here in Washington compares favorably with that in certain other cities. It is my view, however, that no right-thinking citizen can obtain any satisfaction from comparing the crime rate in the District of Columbia with that of other cities, and saying that it compares favorably. The cold, ugly fact remains that during 1964, 30,660 criminal offenses were committed in the District of Columbia—an average of 84 per day. This is an increase of 94 percent over 1957; yet during this same 7-year period

the prison population in the District's penal institution at Lorton decreased from 1,932 to 1,456, a drop of nearly 25 percent.

The situation has reached the point that it is dangerous now to walk the streets of Washington—not just at night, but at any time whatever. It has even become dangerous to go into a church and pray in the shadow of the U.S. Capitol at high noon.

This grim, disgraceful picture exists in the very city where such a situation should least be expected to prevail. Washington is the seat of our National Government, and its citizens enjoy advantages found in few other cities in the world. The per capita income of its residents far exceeds the national average; the average educational level of its people is among the highest in the United States; unemployment is very, very low; and cultural opportunities and recreational facilities abound.

We hear a great deal of hue and cry about the constitutional rights of criminals being infringed upon. It is frequently charged that we should provide these people with better jobs, better housing, better education, better welfare. But what about the rights of the innocent, law-abiding citizens who are yoked, robbed, beaten, raped, or murdered in cold blood on the streets, in their homes, or even in their churches? In our society we have sought to compensate victims of destitution and of unemployment. We have spent billions of dollars trying to compensate the victims of disaster and misfortune of all kinds. Yet these victims of violent crime are obliged to get along the best they can. They can expect no compensation even though they may carry their injuries to their graves.

We do not seek in this legislation to provide financial compensation to these tragic victims of crimes of violence in the Nation's Capital. We do maintain, however, that the community and the Congress owe all law-abiding citizens the very best and most effective protection that we can give them against these criminals and there is ample and tragic evidence that the present laws of the District of Columbia do not afford this protection.

We realize that there are many reasons why people commit crimes. We realize also that the provisions of H.R. 5688 will not provide a panacea for all these ills, nor a solution to this entire grievous problem. We are convinced, however, that his bill, which is the product of several years of hard, diligent work, including countless hours of public hearings and many more hours of study and conference by the members of this committee, will provide the means for vastly more effective law enforcement in this city.

The main provisions of this bill are as follows:

First. Modification of the Mallory rule and the Durham rule. Since criminal offenses must be tried in Federal court in the District of Columbia, these judicial precepts have so stymied law enforcement in the Nation's Capital as to make the city a haven from criminals who in any other jurisdictions would be tried under State laws, which are largely unhampered by these unrealistic restrictions.

Second. Authority for the detention of any person whom a police officer has reasonable cause to believe is involved in a crime, for a period of not more than 6 hours, for the purpose of interrogation. Former District of Columbia Police Chief Robert V. Murray has told me that the present ban on such interrogations has proved a most serious handicap to the police force.

Third. Inclusion of "robbery" among "crimes of violence" as listed in the District of Columbia Code.

Fourth. Imposition of mandatory minimum sentences for more serious felonies, and of additional penalties for the use of arms in the commission of crimes of violence.

Fifth. Much stronger and comprehensive law with respect to the production and dissemination of obscene materials. This section has been so written as to meet with all the precepts set forth in the latest Supreme Court decisions in this area.

These, in brief, are the answers of this committee to the challenge presented today to the Congress to take firm and positive steps to check and reverse this trend of rising crime, and to restore in this beautiful city the degree of law and order which must prevail to assure its citizens their basic right to walk in safety upon its streets and their right to safety and security in their homes and places of business, and to make it possible for the millions of visitors from all parts of the world to enjoy and appreciate its wonderful historical significance.

I wish at this time to commend the gentleman from North Carolina, Congressman WHITENER, chairman of our Subcommittee No. 5, and my other colleagues for their herculean work of researching this subject and preparing this legislation. I can recall no single piece of legislation handled by this committee more vitally important to every citizen of the Nation's Capital and to every visitor to this shrine of democracy, and I am humbly proud of the opportunity I have had of playing some part in its preparation and presentation to the Congress.

I cannot express too strongly my earnest conviction that in approving this legislation, the Congress will only have met its inherent obligation to the people of this city. Surely, in order to preserve the respect it has earned for its many contributions to the Government of the District of Columbia in the past, this Congress can now do no less.

Mr. WHITENER. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Louisiana [Mr. WILLIS], the author of identical legislation to title 1, which has been passed on several occasions for the entire Nation.

Mr. WILLIS. Mr. Chairman, I rise in support of the entire bill but I wish to address myself to the title dealing with the Mallory rule.

The Mallory rule modification proposed by this bill was favorably acted upon by the House on two or three occasions. Last time it received approval on a vote of 294 to 79. At the same time, it was approved by the Senate by a vote of 65 to 12. Conferees were appointed. I was one of them. The House and Senate groups agreed upon a conference report. The House approved the conference report, but the conference report reached the Senate in the wee hours of the morning before adjournment, and the Senate did not have an opportunity to approve the conference report.

Until a few years ago, the rule of evidence in connection with the admissibility of statements and confessions was quite simple. If the confession was voluntary it was admissible. If it was involuntary it was inadmissible.

For example, if the confession was freely, openly, and truthfully made, it was deemed to be voluntary and was therefore admissible. On the other hand, if the confession was induced by threats of violence, or a third degree, or promise of reward or leniency, it was deemed to be involuntary and therefore was inadmissible.

That rule was well understood by laymen, judges, and jurors alike. It was uniformly applied in common law and in all the courts of all the States and the courts of the United States.

Then came the Mallory decision, under which the test of admissibility was not whether the statement or confession freely made was voluntary. The test was the time which elapsed between the arrest and the making of the confession. That is the new test.

In the Mallory case, the man was arrested. I have forgotten the exact facts, but a few hours elapsed, perhaps some 7 hours, between the time of his arrest and the time he made his statement. The statement was true. It was voluntary. He was convicted by a jury of his peers. But because a few hours had elapsed, the time element made the confession no good. This man, who was convicted of rape, was freed.

What does this bill provide? This bill simply says that evidence, including statements and confessions otherwise admissible, shall not be inadmissible solely because of delay in taking an arrested person before the commissioner, and so on.

The key word is "solely." Now, if the confession is the fruit of detention, if he is detained a long time in order to obtain a confession, the confession is no good under this bill. The only thing the bill does is to say that the passage of time in and of and by itself shall not be the test solely because of the lapse of time. However, if, as I say, the length of time is taken advantage of in order to induce a confession, then under the facts of each case, if that be shown, the confession would not be voluntary.

As I say, the House has approved this a number of times and the Senate approved it once. Unfortunately, however, the actions came at different times, so that it did not become the law of the entire country. I do hope we will make this bill at least the law in the District of Columbia.

Mr. NELSEN. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana [Mr. ROUDEBUSH].

Mr. ROUDEBUSH. Mr. Chairman, I rise in support of H.R. 5688, which is the omnibus anticrime bill for the District of Columbia. This bill was considered by the subcommitte of the House District Committee on which I serve.

I would be the last to state that the legislation is perfect in all aspects, but it does represent an honest effort to assist the police and the prosecution agency to maintain law and order in the District.

The problem is clear and apparent. Last year there were more than 30,000 reported criminal offenses in the District. This is an increase of nearly 100 percent over 7 years ago.

Washington, our National Capital, has become infamous for its crime of all description. The situation here has been the subject of many newspaper and magazine articles throughout the world.

By actual cold statistics, the Capital City now ranks fourth in crime in cities of comparable size in these United States.

Frankly, my experience in the field of law enforcement is limited, to say the least. But I will unqualifiedly say H.R. 5688 represents an honest and sincere effort to improve our situation in the District.

H.R. 5688 is very similar to H.R. 7525, which passed this House by a sizable majority in the immediately preceding Congress.

Again, I do not profess to be expert in law, but this legislation has received the careful consideration of our committee, and I hope that it will pass. I do not feel that it is directed against any class, any creed, or any color of our citizens.

The only persons who need fear it are the lawbreakers, whose escapades have rendered our city unsafe for decent citizens.

Mr. NELSEN. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. DEVINE].

Mr. DEVINE. Mr. Chairman, I do not have an opportunity nor particularly the desire to serve on the great Committee on the District of Columbia, but I have had an interest, and an abiding interest, in the work of this committee. I think we should all take an interest. There are few people across these United States who realize that the Congress of the United States each Monday sits more or less as the City Council for our Nation's Capital. I happen to represent the capital city of Ohio, and looking at our Nation's Capital I thought perhaps I should compare some of these statistics and some of the statements that have been made about the crime rate here.

First, I find the population in the District of Columbia is roughly estimated to be, in 1964, slightly under 800,000. The 1964 population of my community, Columbus, Ohio, was slightly over 500,000. So they are not the same size. However, I looked at the size of the police departments. Do you know that here in the District of Columbia your Police Department is right at 3,000 persons? In my home community there are 500 policemen. The ratio is this: in Columbus, Ohio, there is 1 policeman per 1,000 persons. Here in the District of Columbia there is 1 policeman for each 266 persons. As a result, you would think that might cause the crime to be reduced here in the District of Columbia, but it is not true. Last year, in 1964—and these figures come from the FBI report of March 10 of this year—in Columbus we had 25 killings. Here in the District of Columbia they had 132.

In the crime of rapes Columbus had 66 and the District of Columbia 96 reported.

Robberies—that means a crime against the person: we in Columbus had 470 and in the District of Columbia they had 2,279.

Aggravated assaults—that means somebody gets hurt: in Columbus we had 593 and in the District of Columbia 2,605.

Burglaries: the figures are 4,688 in Columbus and 8,910 in Washington.

Auto thefts: 2,088 in Columbus and 5,392 in Washington.

Obviously the ratio of one policeman for 266 persons is not the answer. I do not in any sense want to be taken as meaning to be critical of the Police Department here, because you have a very fine Police Department. But I think it is incumbent upon us as Members of Congress to concern ourselves with this problem in the District because it is our capital. Perhaps the judiciary has been unrealistic in handling those who insist on violating laws time and again. I have ridden the streets of this city night after night with members of the Metropolitan Police Department, and have had an opportunity to be an eye witness to many of the police problems in the District. At this point I would like to compliment Deputy Chief John Winters. I think he is one of the most articulate, one of the most dedicated and finest police officers I have ever known, and I have known many of them, because I spent part of my life in the field of law enforcement.

In the Youth Aid Division, handling matters of juvenile delinquency, I worked with the very able Sgt. Rudy Biro time and again. I do not think Members of Congress and the people generally realize the inhumanities that man can do to man. We in our body here have a duty to do something to protect that percentage of society, which is about 96 percent, that are law-abiding. We must not continue to give the advantage to the 3 or 4 percent who are violating the laws of this area, or across the country.

The District has some really serious problems, and I think we have the duty of trying to do what we can to solve the problem. As has just been said, this may not be a perfect answer, but I think it could go a long way to helping solve this problem.

At this point I would like also to compliment the chairman of this subcommittee, the gentleman from North Carolina [Mr. WHITENER], because I know that he has tried to solve some of these serious problems.

Mr. WHITENER. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. SISK].

Mr. SISK. Mr. Chairman, I rise in opposition to this pending legislation and urge my colleagues to vote for the motion to recommit this legislation to the Committee on the District of Columbia.

Mr. Chairman, I realize the emotional issue that is involved here. As a resident of the District of Columbia I am as aware of the crime problem and other problems with which we are confronted with reference to crime, I believe, as anyone, having lived here in the vicinity of the Hill for almost 10 years.

Mr. Chairman, I wish further to compliment the distinguished gentleman from North Carolina [Mr. WHITENER] on the long and vigorous effort that he has made in an attempt to write a good crime bill for the District of Columbia. I personally would say, having listened to the gentleman from North Carolina over the years discuss matter of a legal nature on this floor, that he is one of the finest lawyers and has one of the finest legal minds in this House of Representatives. Therefore, nothing that I say here today is to be critical of the great work which the distinguished gentleman from North Carolina [Mr. WHITENER] has done. Certainly he is a truly great attorney.

However, Mr. Chairman, I am concerned about three or four things with reference to this piece of legislation. There is substantial opposition from the Department of Justice and from other agencies downtown in the administration to this particular piece of legislation because they believe very frankly that there are provisions in the legislation which will be declared unconstitutional.

I would cite for the quick attention of the members of the committee, because I realize the limited time that we all have to read, the minority views expressed by the gentleman from Tennessee [Mr. GRIDER] whom I believe probably expresses my own position on this legislation as even the more lengthy views going into the legal discussions about it.

Mr. Chairman, here is what the gentleman from Tennessee says in the last paragraph of his minority view:

> If any of the above provisions is held unconstitutional the effect will be to demoralize the law enforcement agencies of the District of Columbia and to encourage the criminal elements.

And, in his view as an attorney he says:

> There is no doubt whatever in my mind that title III, section 301(a) is unconstitutional.

Mr. Chairman, I have a letter from the Department of Justice signed by Mr. Katzenbach at the time he was Deputy Attorney General of the United States, further expressing the fear that substantial portions of this legislation are of questionable constitutionality.

As I explained to my good friend the gentleman from North Carolina [Mr. WHITENER] earlier today, if I felt that this piece of legislation would make it possible for my wife to walk the streets of Washington without fear of attack, if I felt that this piece of legislation would prove to be constitutional and would stop crime, or even a major portion of the crime in this District of Columbia, then I would vote for it in spite of what I

consider to be some rather brutal aspects of it.

But, Mr. Chairman, it is my opinion that the other body—and here I realize and I agree with the gentleman from North Carolina that we should take care of our own job, that we should meet our own responsibilities irrespective of what others do—going on the basis of history and being politically realistic, I am of the opinion that the other body will not act upon this piece of legislation.

This is the third time that the House of Representatives has gone to bat. In both the 87th and in the 88th Congresses the other body refused to act because of its grave concern about some of the provisions and the fear of even going to conference on a bill which contained some of the provisions about which they were so concerned.

So with these ideas in mind, the President recently stated that he expected to appoint a Commission on Crime here in the District to look into this matter and into some of the other problems. Therefore, I feel this is untimely until such time as such Commission has had an opportunity to look at it.

Further, when we consider the constitutional questions which have been raised by many of our finest legal minds, and when I consider the political practicality of the matter as we face the position of the other body, these and other factors as I have indicated, expressed by our good friend and colleague, the gentleman from Tennessee [Mr. GRIDER], cause me to feel that it is simply ill timed to bring this legislation to the floor now.

There are some five or six new members on the District of Columbia Committee who have had no opportunity to hear or discuss this legislation in the present Congress. We are only in the third month of the 24-month session. So it would seem to me it would be in the interest of good government and good legislation to take a little bit more time in the hope that some of these questions where good legal minds have differences of opinion, might be worked out to the satisfaction of the Department of Justice and others who have the substantial part of the responsibility of enforcing this present act if it becomes law.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. WHITENER. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. SISK. I thank the gentleman.

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

Mr. SISK. I yield to the gentleman from North Carolina.

Mr. WHITENER. The gentleman from California is certainly one of my dearest friends, and very attentive member of the Committee on the District of Columbia. I note he has subscribed his name to the minority views. These minority views among other things take to task the provision in the bill with reference to the detention by arrest for interrogation.

I note that the law of the gentleman's State of California does not limit the police officers to 6 hours of interrogation, but gives them 2 days, excluding Sundays and holidays. Does the gentleman have any observation to make that in his own State there is an indication this has been abused?

Mr. SISK. I may say to the gentleman I have not and I could not here state that those provisions have been abused. I will go further, and state if this was the only thing in the present bill that I had any question about, then I would be down here defending your piece of legislation and voting for it.

Mr. WHITENER. I point out to the gentleman also in the minority views to which he has subscribed there was some attack upon minimum sentences which were in this legislation. This is not new to the District of Columbia. There are other criminal statutes which have minimum penalties provided.

I note with interest in the gentleman's State of California second-degree murder is punishable by imprisonment from 5 years to life, and robbery in the second degree by not less than 1 year. First-degree robbery is subject to imprisonment for not less than 5 years, aggravated assault not less than 1 or more than 20 years, arson not less than 2 but not more than 20 years, burglary in the first degree not less than 5 years, burglary in second degree not less than 1 year or more than 15 years. Rape, subjects the defendant to imprisonment for not less than 3 years; for carrying a dangerous weapon punishment may be in the State prison for not less than 1 year nor more than 5 years.

The gentleman does not object to this proposition of fixing minimum penalties; does he?

Mr. SISK. I appreciate the gentleman putting in the RECORD the basic part of California's criminal law. Here again, with reference to penalties and so forth I would say quite frankly I am not qualified to judge. That was one of the reasons I have not been down here arguing the legal aspects of this particular piece of legislation.

Basically, I think our California laws work very well, but, there again, I am not speaking as an expert; however, I will say that in spite of these provisions of our State laws crime is on the increase, so these provisions alone are not the answer.

Mr. WHITENER. If it works in California it should work here.

Mr. NELSEN. Mr. Chairman, I yield 11 minutes to the gentleman from New York [Mr. MULTER].

Mr. MULTER. Mr. Chairman, with all due deference to my colleagues on the committee and in the House, and with utmost respect to all, I say, here we go again, spinning our wheels without any chance of enacting effective legislation, legislation that will attack the problem and do something about it.

No one will disagree with all that has been said about the terrible crime situation throughout the country and in the District of Columbia.

If this bill would do anything to lessen crime here in the District of Columbia or anywhere else in the country, this report in support of the bill would be unanimous, instead 10 members filed minority views.

I assure you that of the 25 members on this committee, 12 oppose this bill. They are just as much interested and concerned about the crime situation and in doing something about it as anyone else in or out of this House of Representatives.

Mention was made about the Mallory rule today. What happened when a bill was brought out to change the Mallory rule not only for the District of Columbia but for the entire country? The bill passed this House and in modified form was passed by the other body. The conferees came to an agreement on the bill in 1959 and the conference report was adopted here, but it was not acted upon in the other body. Not since that time has our Committee on the Judiciary brought before us another bill to change the Mallory rule.

When we passed a similar bill and sent it to the other body in the last Congress, it contained title I and a title II, of this bill, the Mallory rule change and the Durham rule change. The bill got little or no consideration in the other body. Therefore, when our subcommittee came back to us again, with this bill we suggested, if they want this title I or if they want this title II, put it in a separate bill and send it to the other body. Then you can wave the flag if you like and say, "We have done our job on the Mallory rule and the Durham rule, and it is the other body that is not doing their job."

The suggestion was made that if we do that we may pass a bill with the other three titles of this bill which the other body would pay some attention to. What did the other body do when a similar bill got there in the last session of the Congress? They ignored practically everything we sent to them and passed a very different bill. We do not have to follow them. We can say if we like that nothing they do is good. But I am sure that some of their ideas, at least, merit attention and consideration. I am not on the subcommittee and I do not know whether the subcommittee considered them or not. I do know that in the full committee not a single suggestion made by the other body was considered.

I was very happy to hear the chairman of the subcommittee, the distinguished gentleman from North Carolina [Mr. WHITENER] suggest that we ought to come forward with proposals and amendments as to how to improve this bill if we do not like it. We tried to do that. I wrote a two-page letter to the subcommittee with suggested changes. I do not pretend to say that that was the only way to improve the bill. I do not know what the subcommittee did with them. I know that none of them are in the bill. When the bill got to the full committee, I tried to offer those amendments—at least talk about them and consider them and then if they are no good to throw them out. But a motion ordering the previous question was made and carried and none of the suggestions were even considered in committee.

Since the Mallory rule and the Durham rule, crime has increased not only in the District of Columbia but throughout the country. Arrests have increased in the District and throughout the rest of the country in proportion to the increase in the number of crimes.

J. Edgar Hoover, on July 17, 1963, reported and very properly so, that enforcement officials, the police officers, are doing their job effectively.

We can spend hours discussing penology and the basic causes of crime, but there is nothing in this bill that touches upon the basic causes of crime or how to eliminate them.

It has been said that this bill has been considered for a long time by the committee. I call to the attention of my colleagues that we have had a change in the Office of the Police Chief in the District of Columbia since we had some hearings and since we had joint hearings on crime in the last Congress. The least we should have done before reporting this bill was to call the new Chief of Police and say, "What do you think about this? Is it good, bad, or indifferent? What suggestions, if any, do you have?"

But we did not call the new Chief of Police. Neither this bill nor the one we reported in the last Congress was considered at any public hearings by any congressional committee.

The Attorney General is opposed to this bill, in the form it was originally submitted. He is opposed to it in this form. We did not hear him at any hearing.

The District Commissioners are opposed to this, unanimously. They were opposed the last time. We did not hear them at any hearing.

The U.S. attorney for the District of Columbia is opposed to this bill. We did not hear him at any hearing.

Do Members not believe that the very least we ought to do with regard to this bill is to have public hearings on it, and then bring it to the House? I think so, and I hope a majority of the Members of the House will agree and send the bill back to committee for that purpose.

No matter how good this bill is, we should have hearings on it. Perhaps we do not need hearings on the Mallory rule or on the Durham rule, but there are three other titles to this bill which have never been considered in public hearings by either the subcommittee or the full committee. Mind you, when I say there were no hearings on this bill I mean there were no hearings either by the subcommittee or by the full committee. There were no hearings, period.

In the State of New York, there has just been completed a very full and lengthy investigation of crime and penology. I do not say that everything done in New York is good for the District of Columbia, but certainly some of the things which are recommended with reference to crime in the State of New York would apply in the District of Columbia. Is it too much to ask that our committee at least listen to what is there recommended? It is possible we might find one or two ideas there to help us get more effective enforcement as to arrest, detention, and prosecution.

Bear in mind that statistics show that since the Durham rule and since the Mallory rule, the number of arrests has increased and the number of convictions has increased. The Durham and Mallory rules have not prevented convictions in proper cases where there should be convictions.

As a result of the study in New York, there was introduced in the State legislature a new bill consisting of some 276 pages. I say to you that the least the committee should do is to take that bill and go through it to see if there are not some good ideas which we can incorporate into a bill for the good of the District of Columbia.

With all the vigor at my command, and with all the earnestness possible, I want to assure this House that every Member who signed the minority views will support and work for any good bill which will help to bring about not only crime prevention but also better law enforcement and proper and expeditious prosecution.

We have no right to try to foist upon the Congress a bill of this kind and to say, "this is going to do the job," when it is so obvious that it does not begin to attack the problem.

The easy way out for all of us is to vote for this bill, and then go home and tell our people, "We are against crime. We are against sin. We voted for a bill that is going to eliminate crime."

I assure you that if there is anyone back home in your district who will take the time to read the majority report and the minority views, both, and to read the bill, they will have to say, "You have not done your job. You have evaded your duty by voting for this bill."

This bill does not begin to do the job that is required of a bill of such vast importance as this bill is.

I do not pretend to be an expert on crime or law enforcement, but I did put into the RECORD, the last time we had before us a similar bill—not this bill, but a similar bill—and I will, in the revision of my remarks, again put into the RECORD, the views of the Commissioners of the District of Columbia, which are not before you, the views of the Attorney General, which are not before you, and the views of the U.S. attorney for the District of Columbia, which are not before you. If you will take the time to read them you will vote to recommit this bill.

They follow:

EXECUTIVE OFFICE OF
THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., August 9, 1963.

Hon. JOHN L. MCMILLAN,
Chairman, Committee on the District of Columbia, House of Representatives, Cannon House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: On July 16, 1963, I wrote you to indicate that we were requesting the views of the Department of Justice and the Government of the District of Columbia on H.R. 7525—an omnibus crime bill for the District of Columbia—and would furnish such views to your committee as promptly as possible.

We have now obtained these views and are attaching copies of them for the information of your committee.

In light of the views expressed in the reports of the two agencies, the Bureau of the Budget strongly recommends against enactment of H.R. 7525 in its present form.

Sincerely yours,

PHILLIP S. HUGHES,
Assistant Director for Legislative Reference.

COMMENTS BY THE COMMISSIONERS OF THE DISTRICT OF COLUMBIA ON H.R. 7525, A BILL RELATING TO CRIME AND CRIMINAL PROCEDURE IN THE DISTRICT OF COLUMBIA, AUGUST 8, 1963

TITLE I

Title I is intended to qualify and amend the rule of the Supreme Court as enunciated in the case of *Mallory* v. *United States* (354 U.S. 449 (1957)), so as to provide that in the courts of the District of Columbia, evidence, including, but not limited to, statements and confessions, otherwise admissible, will not be inadmissible solely because of delay in taking an arrested person before a commissioner or other officer with power to commit persons charged with offenses against the laws of the United States. The title also provides that no statement, including a confession, shall be admissible in evidence against an accused unless prior to the interrogation of such person he had been advised that he was not required to make a statement and that any statement made by him may be used against him.

The Commissioners favor the admissibility of confessions and statements which are made freely and voluntarily. However, they believe that the title should be amended in several respects, to expand its coverage and to afford certain safeguards to the person making such confession or statement. The changes proposed by the Commissioners are the following:

1. Insert before the period at the end of line 9 of the first page the phrase "or of the District of Columbia".

2. Insert before the word "prior" in line 2 on page 2 the word "immediately".

3. Insert between lines 5 and 6 on page 2 the following new subsections:

"(c) Each arrested person shall, after his arrest and prior to his being interrogated for the first time by any law-enforcement officer, be plainly advised by the officer or officers having him in custody of his right to be afforded reasonable opportunity to communicate with counsel or with a relative or friend, and shall in fact be afforded such opportunity.

"(d) This title shall be construed in the light of its limited purpose of governing the admissibility of certain evidence in criminal trials in the District of Columbia. Nothing herein contained shall be construed as modifying the right of an arrested person to be taken before a committing magistrate without unnecessary delay."

If title I of the bill be amended as set forth above, the Commissioners would have no objection to its enactment.

TITLE II

Title II of the bill is patterned after the formulation recommended by the American Law Institute as the test of insanity as a defense in criminal cases, sometimes referred to as the test of criminal responsibility. This title is intended to apply to criminal cases in the District of Columbia, replacing the test of criminal responsibility stated for the District of Columbia by the U.S. court of appeals in *Durham* v. *United States* (94 U.S. App. D.C. 228, 214 F. 2d 862 (1954)). The language of the title is identical with the purview of bills previously introduced as H.R. 2519 in the 86th Congress, H.R. 7052 of the 87th Congress, and H.R. 1932 in the 88th Congress.

Title II changes existing law in a number of respects. The language of the title provides for the exclusion of sociopathic and psychopathic personality, or apparently any combination of these two types of personality, from the category of mental illnesses or defects which exclude responsibility for crime. The title places on the defendant the burden of proof of establishing a mental illness or defect excluding such responsibility, instead of leaving the burden of proof on the prosecutor to prove a lack of mental

illness or defect, when mental illness becomes an issue. The title also requires that a defendant give notice at the time of his plea or within 15 days thereafter, of his intention to rely on the defense of mental disease or defect, or else be precluded from having evidence of mental disease or defect introduced, unless the court may have good cause to permit the introduction of such evidence at a later time. The title requires a notice supported by prima facie evidence, or substantial reason to doubt the defendant's fitness or capacity to proceed, or substantial reason to believe that mental disease or defect of the defendant will become an issue, before the court may order an examination of the defendant or a commitment for such examination. After any such examination, the issue must then be resolved by a judge without a jury. Further, the title requires that when a defendant is acquitted on the ground of a mental disease or defect excluding criminal responsibility, the court shall order him committed to a hospital for custody and care. If the superintendent of such hospital determines that such person is no longer suffering from such mental illness, the superintendent must make application to the court for the discharge or release of such person, and the court must then appoint two psychiatrists to examine the person and report to the court with respect to his mental illness. In any case in which the court is not satisfied with the report of the psychiatrists appointed by it, the title provides that the court may order a hearing in the nature of a civil proceeding, in which the burden of proof will be on the committed person to prove that he may safely be discharged or released.

The Commissioners question the desirability of changing existing law in the District of Columbia with respect to the test of criminal responsibility, as set forth in the line of cases beginning with the *Durham* case and ending with the case of *McDonald* v. *United States*, 312 F. 2d 847, the latter decided by the U.S. Court of Appeals for the District of Columbia on October 8, 1962. The Commissioners are informed that from a public health point of view, the so-called Durham rule seems to be working very well, because any person acquitted by reason of his plea of insanity at the time of the commission of the alleged crime, or any person determined to be incapable of contributing toward his defense because of mental illness or defect at the time of trial, must be sent to a mental hospital for treatment, and continue to receive treatment for his mental illness or defect. The Commissioners are informed that while the treatment of such persons has not been a complete success in every case, nevertheless it can be said that experience indicates that there is less likelihood of recidivism on the part of such persons than there is on the part of those sent to prison.

Aside from the fact that the enactment of title II would have the effect of substituting a new test of criminal responsibility for a test that has been hammered out in court decisions in the past 9 years, and possibly lead to a new series of court decisions, the Commissioners believe that the enactment of this title will operate to complicate the determination of mental illness or defect by preventing evidence of sociopathic and psychopathic personality from being presented to the jury in a determination of whether there is mental illness or defect. Since it is generally accepted in this jurisdiction that such evidence is material in establishing whether a person is suffering from or has had a mental disease or defect, the Commissioners are informed that this proposed provision of law will in many cases operate to prevent the commitment of persons needing treatment for mental disease or defect. Further, the Commissioners believe that the title will operate to complicate the release of apparently recovered persons by introducing a process that could be very costly to the District of Columbia, requiring the appointment of two psychiatrists to advise the court in every case in which the superintendent of a hospital has determined that the patient has recovered and should be released.

In view of the foregoing, the Commissioners recommend against the enactment of title II of the bill. They note, incidentally, that their position with respect to this title of the bill is substantially in accord with the position of the Department of Justice, as set forth in the May 16, 1963, letter of Deputy Attorney General Nicholas deB. Katzenbach to the chairman of the Committee on the District of Columbia, U.S. House of Representatives.

TITLE III

Title III is virtually identical with the purview of bills previously introduced in the Congress as H.R. 12851 of the 87th Congress and H.R. 1929 of the 88th Congress. The language of the first of the two sections of the title (sec. 301) is virtually identical with that of the so-called Uniform Arrest Act. The purpose of the section is to permit an officer or member of the Metropolitan Police force to detain, for a period not exceeding 6 hours, any person found abroad whom such officer or member has reasonable ground to suspect is committing, has committed, or is about to commit a crime, who, upon demand of him of his name, address, business abroad and whither he is going, fails to identify himself or explain his actions to the satisfaction of the office or member. Under the provisions of the bill, such detention is not an arrest and shall not be reported as an arrest in any official record.

Section 302 amends section 401 of the Revised Statutes of the United States, relating to the District of Columbia (sec. 4–144, D.C. Code), to provide for the detention of certain material witnesses prior to their presentment before a judge or commissioner for the purpose of determining whether they may be required to post bond or deposit collateral to secure their appearance when needed. Suitable accommodations for the witness so detained, and for the witness who is unable to furnish security for his appearance, are authorized.

On March 9, 1961, the Commissioners appointed Charles A. Horsky, Esq., Roger Robb, Esq., and William B. Bryant, Esq.—three distinguished members of the bar of the District of Columbia—as a committee "to inquire into the policy and practices of the police department that lead to arrests for 'investigation' and to make recommendations to the Commissioners in respect thereto." In its report and recommendations to the Commissioners, submitted in July 1962, the committee concluded "that arrests for investigation, as presently practiced in the District of Columbia, are not sanctioned by any District statute, and are in violation of the constitutional rights of persons thus arrested." The report of the committee is an exhaustive and excellent study of the process of police arrests for investigation, and its conclusion that arrests for investigation are illegal is amply supported by authority.

The Commissioners are in accord with the conclusion contained in the report of this committee and are unalterably opposed to the enactment of section 301. The Commissioners are of the opinion that "arrests for investigation" are unconstitutional in that such arrests sanction the search and seizure of any person thus detained without the requirement of "probable cause" as a basis therefor. The Commissioners are of the further opinion that the enactment into substantive law of this section of the bill will not operate to cure the constitutional objections to arrests for investigation, and that the proviso, set out in subsection (c) of such section, that the detention will not be labelled an arrest, will not make such physical restraint on an individual's liberty any less unconstitutional. The Commissioners note, incidentally, that the committee mentioned in the preceding paragraph included in its report, at pages 72 through 76, a discussion of certain court decisions interpreting provisions of Delaware and Rhode Island law virtually identical with subsections (a), (b), and (c) of section 301 of H.R. 7525. In Delaware the supreme court said in *De Salvator* v. *State*, 163 A. 2d 244 (1960), that—

"We can find nothing in 11 Delaware Code, section 1902 [apparently similar, except for the period of detention, to subsecs. (a), (b), and (c) of sec. 301] which infringes on the rights of a citizen to be free from detention except, as appellant says, 'for probable cause.' Indeed, we think appellant's attempt to draw a distinction between an admittedly valid detention upon 'reasonable ground to believe' and the requirement of section 1902 of 'reasonable ground to suspect' is a semantic quibble. We point out that in Wilson v. State, in referring to the arrest of the defendant, we said, 'Nor can it be doubted that the arrest was legal, that is, upon reasonable suspicion of felony.' (Citing case.) In this context, the words 'suspect' and 'believe' are equivalents." (Bracketed language added.)

A somewhat similar result was reached in the Rhode Island case of *Kavanagh* v. *Stenhous*, 174 A. 2d 560 (1961), in which the Supreme Court, after quoting with approval *De Salvatore* v. *State of Delaware, supra*, made the following statement:

"The plaintiff, however, contends that since the pertinent language is '* * * whom he has reason to suspect is committing, has committed or is about to commit a crime * * *' the test could only be subjective, since it represents nothing more than a mere suspicion entertained by the officer. This contention misconceives the purport of 'reason to suspect' as it appears in the context. These words are connotative with grounds for belief as distinguished from mere suspicion. It is for the jury [in an action for false arrest] to determine from all of the evidence whether in the circumstances the detaining officer was warranted in concluding that reasonable grounds did exist. His conclusion must find justification in the minds of the jury." (Bracketed language supplied.)

It appears, therefore, that in two of the three States which have adopted the so-called Uniform Arrest Act, from which subsections (a), (b) and (c) of section 301 are derived, the highest courts of those States have held that the phrase "reasonable ground to suspect" (in Delaware) and "reason to suspect" (in Rhode Island) are tantamount to "reasonable ground to believe", that is, probable cause. Assuming this to be so, the Commissioners are of the view that the so-called Uniform Arrest Act is unnecessary, in view of the fact that the Metropolitan Police already possess the power to make arrests on the basis of probable cause. However, if the phrase "reasonable ground to suspect" connotes something less than probable cause, and is intended to authorize "arrests for investigation", then the Commissioners are of the view that the provisions of section 301 do not conform with the requirements of the fourth amendment.

As reasons in support of their belief that arrests for "investigation" and the detentions authorized by section 301, are unconstitutional, the Commissioners adopt, in part, the following considerations advanced by its Committee on Police Arrests for Investigation:

1. Such arrests cannot be reconciled with the fourth amendment to the Constitution of the United States in that there is not a requirement of "probable cause" and that they permit the police to subjectively determine whom to detain, and for how long and under

what circumstances, without the participation of a judicial officer at any stage.

2. Such arrests deny to the person so detained the opportunity to secure his liberty by seeking bail or by posting collateral.

3. Such arrests may permit the person so detained to be held incommunicado and thus, in effect, denied the right of habeas corpus.

4. Such arrests deprive the person so detained of the right to have the assistance of counsel.

5. Such arrests tend to impair the right of the person, under the fifth amendment to the Constitution, not to be compelled in any criminal case to be a witness against himself.

With respect to section 302 of the bill, the Commissioners recognize the desirability and practical necessity of securing the appearance of material witnesses, under the particular circumstances outlined in such section. However, the Commissioners are again opposed in principle to any provision which would authorize the detention of any person as a prospective material witness for a maximum period of 6 hours without presentment before a judicial officer. The Commissioners are of the view that such persons should be subjected to even less restraint on their physical liberty and freedom than those formally charged with crime, and that they should in all cases, be permitted to appear immediately at the beginning of their detention before a judge or commissioner for the purpose of determining whether they are in fact necessary and material witnesses and, if necessary to secure their appearance at trial, an opportunity to post bond or deposit collateral.

However, the Commissioners prefer that the Congress consider, as a replacement for section 302 of H.R. 7525, their draft bill forwarded to the Congress on March 12, 1963, and introduced as S. 1148, a bill "to amend the law regarding to material and necessary witnesses to crimes committed in the District of Columbia," if such bill be amended in accordance with certain of the suggestions proposed in a letter dated March 11, 1963, addressed to the Director, Bureau of the Budget, by the Deputy Attorney General. As so amended, S. 1148 would provide that section 401 of the Revised Statutes of the United States relating to the District of Columbia be amended to read as follows:

"SEC. 401. (a) Whenever in a criminal proceeding, there is reasonable ground to believe that any person is a material and necessary witness to the commission of any crime or attempt to commit any crime punishable by imprisonment for one year or more, and there is a reasonable probability that such person will not be available to testify at the trial of the person charged with such offense, such person charged with such offense, such person so believed to be a material and necessary witness shall be taken by a member of the Metropolitan Police force, or by a Federal law enforcement officer, without unnecessary delay, before a judge of the United States District Court for the District of Columbia or a judge of the District of Columbia Court of General Sessions or a United States commissioner. Such judge or commissioner shall afford such person a hearing and shall, prior to commencing the hearing, advise such person that he is entitled to be represented by counsel. Such judge or commissioner may, after a hearing is afforded to such person and such judge or commissioner is satisfied by testimony given under oath that such person is a material and necessary witness and that there is reasonable probability that such person will not be available at the trial as provided in this subsection, require such witness to post bond or collateral as security that he will appear and testify at such trial or, upon his failure to post such bond or collateral after a reasonable opportunity to do so, to order his further detention until such time as he appears and gives testimony in such criminal case or until such criminal case has been finally disposed of otherwise. The detention, as herein provided, of any such witness shall not constitute an arrest within the meaning of that term as used in any other law or in any rule or regulation. No statement made by such witness in the course of his detention as authorized by this section shall be used in a prosecution against him for the commission of any crime.

"(b) A person detained as a material and necessary witness pursuant to this section, shall for the period beginning with his detention and until he is discharged from detention be entitled to be paid amounts equivalent to the amounts payable to witnesses testifying in the United States District Court for the District of Columbia.

"(c) Whenever a person is ordered detained by a judge or commissioner, such judge or commissioner shall order the deposition of such person taken as soon as it is feasible to do so. After such deposition is taken, the judge or commissioner may order the release from detention of such person. Such person shall be released from detention if it appears to any such judge or commissioner that the person has been detained for an unreasonable length of time. Such judge or commissioner may at any time modify the requirement as to bail.

"(d) The Board of Commissioners shall provide suitable accommodations within the District of Columbia for the detention of persons who are unable to furnish security for their appearance as witnesses, as provided in subsection (a). Such accommodations shall be separate and apart from quarters used for the confinement of persons charged with crime. The said Commissioners may, in their discretion, enter into agreements with any Federal agency, including the United States courts, for the use of suitable space in a building under the jurisdiction of any such agency, and such agency is hereby authorized to allow the use of such space for the purpose of providing the accommodations required by this subsection. In carrying out the purposes of this Act, the said Commissioners may utilize any appropriate space in any building which is owned privately or which is owned or leased by the government of the District of Columbia. In the case of any witness detained by an officer other than an officer or member of the Metropolitan Police force, the District of Columbia shall be reimbursed for the accommodations furnished such witness at rates to be determined by the Commissioners.

"(e) Appropriations to carry out the purposes of this section are hereby authorized."

In the belief that the above language will better protect the rights of persons detained as material and necessary witnesses, the Commissioners strongly recommend that it be used instead of the present amendatory language contained in section 302 of H.R. 7525.

TITLE IV

Title IV has the effect of including the crime of robbery among the crimes contained in the definition of "crime of violence" set forth in the first section of the act approved July 8, 1932 (sec. 22-3201, D.C. Code, 1961 ed.). The Commissioners favor the enactment of this title of the bill.

TITLE V

Section 501 changes the penalty for rape from imprisonment for not more than 30 years, unless the jury shall recommend the death penalty, to the same penalty that has been provided by the act approved March 22, 1962 (Public Law 87-423; 76 Stat. 46) upon conviction of the offense of murder in the first degree; that is, death by electrocution unless the jury by unanimous vote recommends life imprisonment; or if the jury, having determined by unanimous vote the guilt of the defendant as charged, is unable to agree as to punishment it shall inform the court and the court shall thereupon have jurisdiction to impose and shall impose either a sentence of death by electrocution or life imprisonment.

The Commissioners are informed that for at least 15 years no jury in a rape case has recommended the death penalty. This is perhaps due to a recognition by those persons who have served as jurors in rape cases that this offense may involve factors tending to mitigate the criminality of the act, such as enticement of the offender by the female, or a prior relationship between the offender and his victim which has led him to believe his act would not be against her will. In view of this possibility, the Commissioners believe it undesirable that the penalty for the offense of rape be made identical with that for the offense of murder in the first degree, and they prefer the retention of the present penalty (imprisonment for a maximum term of 30 years unless the jury recommends the death penalty) in order to allow juries and the courts latitude to deal both with those rape cases in which there are mitigating factors, and those involving violence, threats, or serious physical injury.

Section 502 of H.R. 7525 has the effect of establishing a mandatory minimum sentence of not less than 2 years' imprisonment upon conviction of the offense of assault with intent to kill or to commit rape, or to commit robbery, or mingling poison with food, drink, or medicine with intent to kill, or willfully poisoning any well, spring, or cistern of water. For the reason set forth below concerning the efficacy of mandatory minimum sentences, the Commissioners question this section of the bill.

Section 503 amends section 823 of the act approved March 3, 1901 (31 Stat. 1323; District of Columbia Code, sec. 22-1801), now captioned "Housebreaking," to define the offense of "burglary" and to further define such offense as either "first degree" or "second degree," depending on whether the offense occurs in an occupied place of residence, and should any such resident be in occupancy at such time the offense is that of burglary in the first degree. Any other breaking and entering, or entering without breaking, of the various specified premises is defined as burglary in the second degree. The Commissioners favor the enactment of this section of the bill. The Commissioners note, incidentally, that the penalty for burglary in the first degree is imprisonment for not less than 20 years nor more than life, as compared with the present penalty for housebreaking of imprisonment for not more than 15 years. In this connection, the Commissioners desire to emphasize that they do not believe that increasing the period of imprisonment upon the conviction of an offense operates in any manner to serve as a deterrent to the commission of such offense. They are of the view that a longer period of imprisonment merely has the pragmatic effect of removing the criminal from society for a longer period of time, but they feel the prospect of such longer period of incarceration does not deter the criminal from committing the crime. However, notwithstanding the foregoing comment concerning the efficacy of more severe sentences, the Commissioners do not object to the enactment of section 503. They do, however, question so much thereof as establishes mandatory minimum sentences for the reason set forth below.

Section 504 amends section 810 of the act of March 3, 1901, defining the offense of robbery, so as to provide a mandatory minimum sentence of not less than 5 years in place of the present mandatory minimum sentence of not less than 6 months. Again for the reason set forth below concerning the efficacy of mandatory minimum sentences, the Commissioners question this section of the bill.

Section 505 of the bill generally relates to bribing or offering to bribe persons participating in athletic contests, and the acceptance

or agreement to accept such bribes by such persons. This section of the bill fails to take into consideration provisions in existing law (act approved July 11, 1947; 61 Stat. 313; sec. 22–1513, D.C. Code, 1961 edition) having a somewhat similar effect, and providing for a penalty upon conviction of imprisonment for not less than 1 year nor more than 5 years and a fine of not more than $10,000, as compared with the penalty set forth in subsection (a) of section 505 of imprisonment for not less than 1 year nor more than 10 years, and a fine of not less than $3,000 nor more than $10,000. Inasmuch as section 505 appears to add nothing to existing law except insofar as penalties are concerned, and inasmuch as the Commissioners are informed that there appears to be no need for a change in existing law, the Commissioners see no need for section 505 of the bill. However, should the Congress determine that there is a need for this section of the bill, the section should be changed so as to provide for the repeal of the act approved July 11, 1947, supra.

Section 506 makes it mandatory (rather than at the discretion of the judge, as under existing law) that when any person commits a crime of violence when armed with or having readily available any pistol or other firearm, he shall, in addition to the punishment provided for the crime, also be punished by the penalties prescribed in section 2 of the act of July 8, 1932 (sec. 22–3202, D.C. Code, 1961 edition). Further, section 506 adds to such section 2 language prohibiting the court from suspending sentence upon conviction of a crime of violence when armed with or having readily available any pistol or other firearm, or from giving the defendant a probationary sentence. The Commissioners question the desirability of removing from the judges the discretion they have under existing law.

Section 507 of title V of the bill, amending section 872 of the act approved March 3, 1901 (D.C. Code, sec. 22–2001), is identical with the purview of H.R. 5989 of the 88th Congress, except for certain additions on which the Commissioners will comment in the next paragraph. The provision of existing law amended by section 507 reads as follows:

"Whoever sells, or offers to sell, or give away, in the District, or has in his possession with intent to sell or give away or to exhibit to another, any obscene, lewd, or indecent book, pamphlet, drawing, engraving, picture, photograph, instrument, or article of indecent or immoral use, or advertises the same for sale, or writes or prints any letter, circular, handbill, book, pamphlet, or notice of any kind stating by what means any of such articles may be obtained, or advertises any drug, nostrum, or instrument intended to produce abortion, or gives or participates in, or by bill, poster, or otherwise advertises, any public exhibition, show, performance, or play containing obscene, indecent, or lascivious language, postures, or suggestions, or otherwise offending public decency, shall be fined not less than fifty dollars nor more than five hundred dollars, or imprisoned not more than one year, or both."

The foregoing provision of law does not, however, take into account certain relatively modern means of publication or communication, nor does it affect persons engaged in the production of indecent publications.

Section 507 has for its purpose the expansion of existing law relating to indecent publications so as to make it applicable to publishing and communicating techniques developed since the enactment of the 1901 act; to extend its provisions to persons engaged in the production or dissemination of obscene materials; to authorize temporary restraining orders, preliminary injunctions, and permanent injunctions affecting the production, distribution, and sale of obscene materials; and to provide for the forfeiture to the District of Columbia of personal property made subject to any such permanent injunction. The Commissioners note, incidentally, that the language of section 507 departs from the language of H.R. 5989 by providing, in subsections (a) and (b) of the proposed new section 872, for certain mandatory minimum sentences, involving fines of not less than $200 or imprisonment for not less than 3 months for violations of section 872, as amended by the bill. For the reasons they have set forth at greater length below, the Commisioners have some doubt as to the effectiveness of a mandatory minimum penalty.

The Commissioners also object to that provision contained in subsection (c) of the amended section 872 which requires the U.S. attorney for the District of Columbia and the Corporation Counsel of the District of Columbia to join in an action to petition the U.S. district court for the temporary restraining order authorized by such subsection. At the very least, the language of the subsection should be couched in the disjunctive so as to authorize either the U.S. attorney or the Corporation Counsel, but not both, acting in concert, to file a petition for such a temporary restraining order. In point of fact, the Commissioners fail to see the need for including the Corporation Counsel in the language of the revised section 872. Prosecutions for the violation of this provision of law would be the function of the U.S. attorney for the District of Columbia. The Commissioners strongly believe that every aspect of the problem, including not only prosecution but also the securing of a temporary restraining order, a preliminary injunction, and a permanent injunction, all as authorized by the proposed new section 872, should be solely the responsibility of the U.S. attorney, without participation by the Corporation Counsel at any point in the process.

The Commissioners are aware that the proposed legislation is concerned with an area in which one must be mindful of the protections guaranteed by the first amendment. The Commissioners accordingly requested the Office of the Corporation Counsel to review the proposed legislation in this light, in cooperation with the Department of Justice and other interested agencies. As a result of that further study the Commissioners believe that there may be constitutional objections to those provisions of section 507 which relate to an ex parte proceeding in connection with the issuance of a temporary restraining order, and which provide for the forfeiture of property other than the obscene and indecent material itself. Accordingly, the Commissioners recommend that subsections (b) through (h) of the amended section 872, as set forth in section 507, be changed to read as follows:

"(b) Whoever in the District produces, or participates in the production of, any obscene, lewd, or indecent book, pamphlet, drawing, engraving, picture, photograph, instrument, magazine, story, paper, writing, card, print, motion picture film, image, cast, slide, figure, statue, phonograph record, wire, tape, or other sound recording, or other presentation or article of indecent or immoral use, with knowledge that the same is to be sold, given away, or exhibited to another, shall be fined not more than $5,000, or imprisoned not more than two years, or both.

"(c) The United States attorney for the District of Columbia is authorized to apply to the United States District Court for the District of Columbia for a preliminary injunction and a permanent injunction to restrain the sale, gift, exhibition, distribution, production, disposition or removal of any obscene, lewd or indecent matter described in subsection (a) of this section. A hearing on the preliminary injunction shall be had not more than five days, excluding Sundays and holidays, after service upon the defendant of a copy of such application. After such hearing the said court may issue a preliminary injunction which shall remain in effect until final determination of the application for the permanent injunction, but in no case for more than thirty calendar days from issuance of the preliminary injunction.

"(d) If, after a trial of the issues, the court shall order a permanent injunction, such injunction shall include a provision for the immediate seizure and destruction of the obscene, lewd or indecent matter, and forbidding its reproduction or duplication.

"(e) For the purpose of proceeding under subsection (c) or (d) of this section, it shall not be necessary for the United States Attorney to allege or prove that an adequate remedy at law does not exist or that substantial and irreparable damage would result from the violations alleged.

"(f) Proceedings pursuant to this section shall be governed by the Federal Rules of Civil Procedure, except as they may be inconsistent with the provisions and purpose of this section."

If section 507 be amended in the manner suggested by the Commissioners, they would have no objection to it. However, should the section not be so amended, the Commissioners recommend against its enactment.

Section 508 amends existing law (act of March 3, 1905; sec. 22–3105, D.C. Code, 1961 edition) making it an offense to place explosives or cause them to be placed at certain specified locations, with the intent to cause damage, so as to provide a mandatory minimum sentence of not less than 5 years' imprisonment upon conviction of the offense. Again the Commissioners question the efficacy of mandatory minimum penalties for the reason set forth below.

Section 509 provides it shall be an offense to make a false or fictitious report to the Metropolitan Police department of the commission of any criminal offense, knowing such report to be false or fictitious, or to communicate or cause to be communicated to such department any false information concerning the commission of any criminal offense within the District of Columbia or concerning any other matter or occurrence of which such department is required to receive reports or conduct an investigation, knowing such information to be false. This section is substantially similar to section 5 of article 19 of the Police Regulations of the District of Columbia except for the penalty to be imposed for the commission of any such offense. The existing police regulation, which has been in effect for many years, provides for the penalty of a fine not exceeding $300 or imprisonment not exceeding 10 days. Section 509 provides for a penalty of a fine not exceeding $100 or imprisonment not exceeding 6 months, or both. The Commissioners consider the proposed change in existing law both unnecessary and undesirable. They believe that increasing the penalty for this type of offense is unnecessary, in that the present penalty imposed under the authority of section 5 of article 19 of the Police Regulations is considered adequate to deal with this type of offense, generally relatively minor in nature. The Commissioners consider the proposed change in penalty undesirable in that it has the effect of permitting persons accused of making false reports to demand trial by jury for what all too often is an offense of relatively little significance, such as reporting a robbery to cover a gambling loss, or reporting that an assault was by an "unknown" person, in order to shield another member of the reporter's family, or a friend. The Commissioners believe that in cases of this kind, it is undesirable that the time of the courts be taken up in conducting jury trials whenever demanded by accused persons. Accordingly, the Commissioners recommend against the enactment of section 509.

Miscellaneous comments

In the event the Congress should enact H.R. 7525 despite the objections and deficiencies discussed above, the Commissioners desire to point out that the bill in their view is also deficient in that it fails to contain a separability provision, a provision for an effective date, and a provision coordinating the proposed act with Reorganization Plan No. 5 of 1952. To correct these deficiencies, the Commissioners suggest that there be added at the end of the bill the following new title:

"TITLE VI

"SEC. 601. If any part of this Act is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the applicability of such part to other persons and circumstances and the constitutionality or validity of every other part of the Act shall not be affected thereby.

"SEC. 602. Nothing in this Act shall be construed so as to affect the authority vested in the Board of Commissioners of the District of Columbia by Reorganization Plan No. 5 of 1952 (66 Stat. 824). The performance of any function vested by this Act in the Board of Commissioners or in any office or agency under the jurisdiction or control of said Board of Commissioners may be delegated by said Board of Commissioners in accordance with section 3 of such plan.

"SEC. 603. This Act shall become effective on the first day of the second month which follows its approval by more than ten days."

The Commissioners note that throughout the bill the intention appears to be to increase the penalty presently provided for certain offenses, and in several instances to establish a mandatory minimum penalty. The Commissioners have considerable question concerning the effectiveness of a mandatory minimum penalty. They are of the view that any such penalty may in its effect be self-defeating, in that if the mandatory minimum penalty is considered excessive by a jury, it may tend to acquit the defendant rather than subject him to what the jury may consider an excessively high mandatory minimum penalty. The Commissioners are cognizant of the fact that some effort is made to keep from the jury the knowledge of the penalty to which a defendant may be subject, in view of the fact that this knowledge is irrelevant to the question of whether the defendant did or did not commit the offense with which he is charged. However, the Commissioners recognize that sooner or later the jurors in attendance at court acquire knowledge concerning the maximum and minimum penalties for the more common offenses, and carry this knowledge with them into the jury room at the time they begin their consideration of a case. In view of this, the Commissioners question whether a mandatory minimum penalty, or an increase in an existing mandatory minimum penalty, will operate in such manner as to affect materially the crime situation in the District of Columbia.

WALTER N. TOBRINER,
President, Board of Commissioners, District of Columbia.

U.S. DEPARTMENT OF JUSTICE,
Washington, D.C. July 25, 1963.

Hon. KERMIT GORDON,
Director, Bureau of the Budget, Washington, D.C.

DEAR MR. GORDON: This is in response to your request for the views of the Department of Justice on the bill H.R. 7525 "relating to crime and criminal procedure in the District of Columbia."

Your letter of July 16, 1963 to the chairman of the House Committee on the District of Columbia on H.R. 7525 accurately relates titles I, II, and III of the bill to similar provisions of various bills commented on in our 12-page report of May 16, 1963 to the same committee. We have nothing to add to the views previously expressed on these provisions.

We have no objection to title IV, which would amend existing law relating to dangerous weapons (D.C. Code, sec. 22-3201) to include "robbery" in the definition of the term "crime of violence."

Subsection (a) of section 501 of title V of the bill would provide for the imposition of the death penalty in rape cases, unless the jury unanimously recommends life imprisonment. If the jury is unable to agree, the court may impose the death penalty or life imprisonment. A person sentenced under the section would not become eligible for parole until he has served 20 years. Under existing law, rape and carnal knowledge are punishable by up to 30 years' imprisonment, but the jury may specifically recommend the death penalty. If the jury fails to agree on punishment, the sentence is imprisonment (D.C. Code, sec. 22-2801).

As pointed out in our report of May 16, we are generally opposed to mandatory sentencing requirements. Moreover, the imposition of the death penalty particularly in cases of statutory rape, which would also be covered by this section, seems unduly harsh and lacking in flexibility. In our view greater discretion in sentencing should be permitted in order that all facts and circumstances of the particular crime may be taken into account. In a large number of rape cases there may be a lack of consent, technically speaking, but there frequently is a prior relationship between the two parties. There often are other circumstances, too, which make a case different from one in which there is violence, a weapon used, no prior acquaintance between the parties, or serious physical injury.

Existing law provides that persons convicted of assault with intent to kill, rob, rape, or poison shall be sentenced to not more than 15 years (D.C. Code, sec. 22-501). Section 502 would amend the existing law to provide a minimum sentence of 2 years and a maximum of 15 years. We think it unwise to establish minimum sentences and thus remove or limit the discretion of judges to impose sentence on the basis of the particular crime and the background of the person convicted.

Section 503 of the bill would define two degrees of burglary—breaking or entering an occupied dwelling, punishable by imprisonment for from 20 years to life; and breaking or entering a dwelling, store, vessel, etc., punishable by imprisonment for from 5 to 15 years. We would have no objection to defining two categories of burglary, but we would again question the wisdom of minimum sentencing requirements and for that reason would oppose this provision.

Section 504 of the bill would raise the present minimum penalty of 6 months for robbery to 5 years. Our previous comments on minimum sentences are equally applicable to section 504.

Section 505 of the bill dealing with bribery in connection with athletic contests appears unobjectionable. However, a question is raised as to whether an intention to limit the "margin of defeat" is a culpable intention. Someone who attempts to accomplish that, and someone who bribes a contestant to accomplish that, may very well be trying to win for his team. The language in all of the subsections "limit the margin of victory or defeat in such contests" should be changed to refer more specifically to the case of a particular team trying to lose or trying to limit the margin of its own victory. We note also that the provisions of this section and those of section 22-1513 of the District of Columbia Code overlap. Also, subsections (b) and (c) fail to state the applicable fines.

Section 506 would make mandatory the provisions of existing law (D.C. Code, sec. 22-2303) which call for additional terms of imprisonment for the commission of crimes of violence when armed with a pistol or other firearm, and prohibits any suspension or probationary sentence. For reasons previously discussed, we are opposed to the mandatory sentencing requirements of this section.

The provisions of section 507 providing for the amendment of existing law relating to indecent publications in the District of Columbia (D.C. Code, sec. 22-2001) are substantially the same as those of the bill H.R. 5989. A copy of the Department's proposed report on H.R. 5989 is being forwarded for clearance along with this report. As pointed out in our proposed report several of these provisions are objectionable as presenting substantial constitutional problems. However, we have read the proposed report of the Commissioners of the District of Columbia on H.R. 5989 and would have no objection to this section of the bill if amended as suggested in that report.

Existing law prohibits the placing of explosives with intent to destroy or injure property, and provides for a fine of not to exceed $1,000 or imprisonment not exceeding 10 years, or both (D.C. Code, sec. 3105). Section 508 of the bill would set a minimum sentence of 5 years and would retain the maximum sentence at 10 years. Our previous comments on minimum sentencing requirements are applicable to this section.

Section 509 would prohibit the giving of false reports or information to the police department with knowledge that the information is false. The offense would be punishable by a fine of up to $100 or imprisonment up to 6 months, or both. We have no objection to this section.

In view of the foregoing considerations, the Department of Justice is unable to recommend enactment of this bill.

Sincerely yours,
NICHOLAS DEB. KATZENBACH,
Deputy Attorney General.

U.S. DEPARTMENT OF JUSTICE,
Washington, D.C., May 16, 1963.

Hon. JOHN L. MCMILLAN,
Chairman, District of Columbia Committee, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your requests for the views of the Department of Justice on various bills which have been introduced in an effort to cope with the crime problems of the District of Columbia.

At the outset, we must recognize that there are varied interests which must be accommodated in any statutes we enact to aid in the enforcement of our criminal laws. We must make available to our law enforcement officers whatever lawful, appropriate means we can with which to make our streets, homes, and places of business safer. At the same time, we must be mindful of the fact that not every person who is taken into custody, nor even every person charged with crime, is guilty. We must also be mindful that irrespective of whether such person is innocent or guilty, our Constitution and our way of life require that certain, sometimes restrictive, rules of conduct must be followed by our enforcement people and our courts. Any legislation favorably considered by the Congress must reflect an awareness of these sometimes conflicting considerations.

Among the bills with which we are now concerned, are the measures directed at the impact of the so-called Mallory case. As you know, the Mallory rule is not at all concerned with whether or under what circumstances the police in the District of Columbia may make an arrest. The case stands merely for the proposition that a confession ob-

tained from an arrested person before his arraignment will not be received in evidence in a criminal trial if obtained during a period of "unreasonable delay." This is as it should be. Since the decision in Mallory, we have had a number of other cases interpreting "unreasonable delay" which, I am advised, make it virtually impossible for investigating officers to speak with arrested persons with any assurance that a resultant confession will be usable in the courtroom.

The American Law Institute has recently received funds with which to undertake a study of the problems raised by the Mallory decision. Also, various bills directed to these problems have been introduced in Congress. You have requested a report on H.R. 1930, H.R. 5334, and H.R. 5726. Without expressing any view on the need for amendatory legislation—leaving that question for the District of Columbia enforcement officials and the U.S. attorney for the District of Columbia, all of whom grapple with the problems of Mallory daily—the Department of Justice would support H.R. 5726 in preference to the other two bills. It is generally agreed that there should not be (and under rule 5(a) of the Criminal Rules there cannot be) any unnecessary delay in taking an arrested person before a commissioner or magistrate. Section 2 of H.R. 5726 recognizes this and clearly provides for the exclusion from evidence of any confession, admission, or statement made during a period of unnecessary delay. However, the bill provides that a delay in taking a person before a committing magistrate shall not be deemed cause for exclusion of an otherwise admissible confession, admission, or statement if certain prescribed guidelines are adhered to in the course of the detention. It is the guidelines that make this bill superior, in our judgment, to H.R. 1930 and H.R. 5334. H.R. 1930, except for requiring advice to an accused of his right not to make a statement and that any he makes may be used against him, fails to provide even minimum safeguards for an accused. H.R. 5334, the bill proposed by the so-called Killough committee of the District of Columbia Bar Association, but rejected by the general membership at an open meeting in April similarly fails to provide adequate safeguards and thereby is susceptible to serious constitutional doubt as violative of the due process clause of the fifth amendment. On the other hand, H.R. 5726 provides that delay in and of itself will not be cause for exclusion of a confession, admission, or statement if a person is plainly advised, in advance of questioning, of his right to make no statement and that any he does make may be used against him; if he is afforded, again in advance of questioning, an opportunity to notify a relative or friend and consult with counsel; if not more than 6 hours elapsed between the arrest and the completion of the confession, statement, or admission; and if, when reasonably possible, the questioning, warning and advice were witnessed by someone not a law enforcement officer, transcribed verbatim, or sound recorded.

INVESTIGATIVE SUBPENA

Two bills, H.R. 5046 and H.R. 5335, "to authorize judicial officers to require the giving of evidence relating to crimes in the District of Columbia," have been referred to the Department of Justice for comment.

These bills are substantially similar. They are presumably offered as possible substitutes for the arrest for investigation procedure which the District of Columbia Commissioners banned as of March 15, 1963. Both measures would authorize the issuance of an investigative subpena by certain judicial officers on application of the prosecuting attorney if in a criminal investigation of an offense punishable by imprisonment for 1 year or more good cause is shown for believing that a person may be able to give evidence relating to such crime. H.R. 5335 also provides that when an investigating officer has reasonable ground to believe that if the normal procedure is followed the respondent may not be readily available, he may serve a subpena previously issued in blank by a court clerk or U.S. commissioner and bring the respondent before a judicial officer. Both bills limit interrogation to 6 hours, with H.R. 5335 excluding police stations or detention facilities as proper places for such questioning. H.R. 5046 makes a respondent's "refusal" to give evidence punishable as contempt. H.R. 5335 provides that when a respondent "willfully refuses" he may be prosecuted as provided in title 23 of the District of Columbia Code and be subject to a maximum penalty of a $500 fine or 60 days' imprisonment.

As with some of the Mallory legislation discussed earlier, this Department expresses no recommendation as to the need of an experiment such as would be embarked upon under this type of legislation. We do feel, however, if legislation such as H.R. 5726 is enacted, the investigative subpena legislation would be unnecessary. In any event, the bills now before the committee, H.R. 5046 and H.R. 5335, appear to lack the necessary safeguards to which persons upon whom investigative subpenas may be served are constitutionally entitled.

Among the features of the legislation which merit close scrutiny are the following: First, despite the statement in H.R. 5335 (sec. 1(c)) that a detention as provided for in the bill shall not constitute an arrest, both bills provide for a seizure of the person without probable cause, in violation of the fourth amendment and accompanied by the consequences of a conventional arrest. Both bills seem to permit a 6-hour police interrogation of a person suspected of committing a felony, without the assistance of counsel. In our view such a procedure would be violative of the sixth amendment's guarantee that an accused shall "have the assistance of counsel for his defense." If this legislation is to receive favorable consideration, the final enactment should at least—

1. Provide that the questioning is to be done in the presence of a monitor designated by the court.

2. Provide that the questioning should be reduced considerably from the 6 hours provided in the bill, subject to an extension for an additional period of time by the judicial officer upon a showing of good cause.

3. Provide that the witness is free to leave if he wishes, subject, of course to a prosecution for contempt.

4. Provide for representation by counsel throughout the interrogation.

5. Provide that a judicial officer shall advise the respondent of his right to make no incriminating statement, and that any statements he does make may be used against him.

6. Provide for the verbatim recording of all questions, answers, and statements made in the course of the interrogation.

Whether, with the addition of these safeguards the legislation would constitute a useful investigative tool is a question on which local enforcement personnel can better advise the committee.

MATERIAL WITNESSES

The committee has requested our views on H.R. 1929, a bill "to permit an officer or member of the Metropolitan Police force of the District of Columbia to detain and question persons suspected of committing crimes; and to require bond in the case of certain material witnesses"; and H.R. 5336, a bill "to amend the law relating to material and necessary witnesses to crimes committed in the District of Columbia."

H.R. 1929 is cast in two sections, the first of which provides for the detention of persons suspected of committing criminal acts in the District of Columbia. It, in effect, would constitute a legislative reinstitution of investigative arrest in the District of Columbia. As such, it would be subject to the constitutional and other considerations previously raised with respect to H.R. 5046 and H.R. 5335, the investigative subpena bills. As a matter of fact, it would be much less likely to survive judicial scrutiny, as it has even less of the required safeguards suggested by the fourth, fifth, and sixth amendments than do the subpena bills.

Section 2 of H.R. 1929, and H.R. 5336 are directed at assuring the presence of material witnesses at the investigation or trial of a person charged with the commission of a felony. H.R. 1929 would permit a Metropolitan Police officer to detain a material witness for 6 hours before bringing him before a judicial officer to determine whether there is a reasonable probability that such witness will not be available during an investigation or trial. H.R. 5336 requires that a material witness be taken before a judicial officer "without unnecessary delay," to determine whether there is a reasonable probability that he will not be available at a trial. It does not permit a 6-hour delay, nor does it permit detention in connection with investigations. H.R. 5336, submitted by the District of Columbia Commissioners, represents the sounder approach to the material witness problem to which it is addressed. It is patterned after rule 46(b) of the Federal Rules of Criminal Procedure, the constitutionality of which has never been doubted. However, if it is to be favorably considered, the committee may wish to consider the following suggestions.

Recognizing that the person involved is not accused of a criminal act, and may even be the victim of that act, it would seem desirable to provide a means for witnesses who are unable to post bonds because of financial inability to be released from confinement.

In some States, by statute, once the defendant is apprehended the deposition of the witness may be taken, and the defendant afforded the right of a cross-examination. Rule 15(a) of the Federal Rules of Criminal Procedure has a similar provision. While the rules of criminal procedure for the District of Columbia provide for depositions of material witnesses for the defendant, who are about to leave the District (D.C. Code, sec. 23–111), no like provision is made for depositions of witnesses for the Government.

It is suggested also, that although the witness is not accused of a crime, he should have the right to counsel and be advised of this right. An analogous situation is the right of an accused to counsel in a preliminary hearing. There is precedent for this practice. In New York, for example, the magistrate advises the witness of his right to counsel, and if he cannot pay for it, the court will assign an attorney to serve without compensation. (See 40 Neb. L. Rev. 503, 510; 511, note 42, commenting on "imprisonment of the material witness for failure to give bond.")

It is also suggested that consideration be given to compensating a witness for time spent in detention awaiting interrogation or trial. While there are provisions in the District of Columbia Code for witness fees for attendance in court (D.C. Code, sec. 11–1501 and 23–109), under the weight of authority, these provisions would not be broad enough to permit payment of compensation to a material witness under detention. Even if detention is a public duty which a person may properly be called on to perform, it may operate as an intolerable burden on a witness and his family, if, while prevented from working, he is denied reimbursement during the detention period which under some circumstances might be prolonged for several months.

As is provided in rule 46(b) of the Federal Rules of Criminal Procedure, consideration should be given to a provision which would authorize the judge or commissioner to order the release of the witness if he has been

detained for an unreasonable amount of time, and to modify at any time the requirement as to bail.

Under the language of the bill the police would, without judicial process, be empowered physically to take the material witness before the judge on the basis of their own determination that the statutory grounds exist. As a practical matter this would seem to be necessary where a witness is taken into custody at the scene of the crime. However, with respect to witnesses other than those taken into custody at the scene of the crime we suggest that consideration be given to a revision of the proposal to provide that such witnesses may not be taken before a judge except pursuant to a court-issued subpena. This could be based on an ex parte affidavit or petition. Such a revision would be consistent with rule 46(b) of the Federal Rules of Criminal Procedure.

Also, to clarify the intention that not everyone need be detained, but that those who are must be brought before a judicial officer without unnecessary delay, it is suggested that lines 2 through 4 of page 2 be revised to read: "Witness may be detained by a member of the Metropolitan Police force or by a Federal law enforcement officer. Any person so detained shall, without unnecessary delay, be taken before a judge of the United States."

Modified as suggested, H.R. 5336 would substantially improve the existing law in the District of Columbia relating to the detention of material witnesses.

DURHAM RULE

The Department has not been asked to submit its views on H.R. 1932, legislation to clarify and modify substantively and procedurally—the law of the District of Columbia relating to the defense of insanity in criminal cases. However, in your letter to the Attorney General, dated April 2, you refer to testimony by District law enforcement officials that the present state of the law has seriously hampered the administration of criminal justice.

H.R. 1932 is identical with H.R. 7052, 87th Congress, which passed the House on June 26, 1961. It is directed at the problems which have arisen in the application of the decision of the Court of Appeals for the District of Columbia Circuit in *Durham* v. *United States* (94 U.S. App. D.C.; 214 F. 2d 862, (1954)). However, in the course of recent decisions—notably *McDonald* v. *United States* (312 F. 2d 847 (1962))—the Court has largely obviated the need for legislation such as H.R. 1932. In its unanimous, en banc opinion, the court not only resolved many of the difficulties, but reflected a willingness and ability to make adjustments in the Durham rule and its application, as experience dictates. It is the view of this Department that the court should be given the opportunity further to develop and refine the law in this area without legislation at this time.

FOURTH OFFENDER

The Department is unable to recommend the enactment of H.R. 1893, a bill to provide, under the laws of the District of Columbia, for the life imprisonment of any person convicted of four felonies.

Apart from the specifics of the bill, as to which we have certain criticisms, we are generally opposed to this or similar legislation. It is not in keeping with modern thinking, as expressed repeatedly by judges and in the American Law Institute Model Penal Code, that mandatory sentences are of a highly questionable value. They result in serious inequities and make it even more difficult to obtain warranted convictions, particularly when jurors know that a conviction means life imprisonment for an offender.

The sentencing process is affected by numerous factors which vary from case to case, and the weight to be assigned to each factor should be left to the discretion of the presiding judge in each instance. The interim report of the New York State Temporary Commission on Revision of the Criminal Code, published on February 1, 1963, indicates similar misgivings about the operation of New York's habitual offender legislation of this type.

The prohibition against parole for a prisoner convicted and sentenced to life imprisonment adds further undesirable rigidity to the measure.

Finally, the measure is in direct conflict with Public Law 85–752 (72 Stat. 845, approved August 25, 1958) which seeks to invest the sentencing process with a full consideration of all the factors involved, an objective which that law proposes to reach through judicial institutes and indeterminate sentences.

DANGEROUS WEAPONS

The final measure on which the committee has requested our views is H.R. 678, a bill to make possession of a dangerous weapon presumptive evidence of intent to use it unlawfully.

This Department is gravely concerned about the ease with which dangerous weapons may be obtained, transferred, and possessed, and the tragedies which occur as a result of this. We would wholeheartedly support legislation to regulate traffic in such weapons, and their possession, but are unable to support an approach to the problem such as that of H.R. 678.

Dangerous weapons, by definition in the District of Columbia Code, include a toy pistol, a razor, and a knife with a blade longer than 3 inches. To presume from the possession by a child of a toy pistol that he intends to use it unlawfully, or to presume that a man's possession of a razor indicates an intent to use it unlawfully, or to presume that a housewife carrying her carving knife intends to put it to an illegal use, is unreasonable.

Further, the Supreme Court in *Tot* v. *United States* (319 U.S. 463, 467–468 (1943)), stated the following concerning statutory presumptions:

"Under our decisions, a statutory presumption cannot be sustained if there be no rational connection between the fact proved and the ultimate fact presumed, if the inference of the one from the proof of the other is arbitrary because of lack of connection between the two in common experience. This is not to say that a valid presumption may not be created upon a view of relation broader than the jury might take in a specific case. But, where the inference is so strained as not to have a reasonable relation to the circumstances of life as we know them, it is not competent for the legislature to create it as a rule governing the procedure of courts."

Benton v. *United States* (232 F. 2d 341 (D.C. Cir. 1956)), involved a statutory presumption somewhat similar to the one in the bill in question. In that case the defendant had been convicted for violation of section 22–3601 of the District of Columbia Code, which reads as follows:

"No person shall have in his possession in the District any instruments, tool, or other implement for picking locks or pockets, or that is usually employed, or reasonably may be employed in the commission of any crime, if he is unable satisfactorily to account for the possession of the implement."

The defendant had been found in the possession of a sledge hammer, ax, and hacksaw. The court interpreted the statute as allowing the jury to presume the existence of an intent to use the instrument for a felonious purpose from the mere fact of possession of the instrument. The court, in reversing the conviction, held that no rational inference of criminal intent could be drawn from the mere possession of tools which "reasonably may be employed" in crime. The court did not reach the question of whether the inference of criminal intent could be drawn from the possession of tools or implements which in themselves give rise to sinister inferences.

Some of the views expressed in this report were stated in substance by U.S. Attorney Acheson when he appeared before a subcommittee of the House District of Columbia Committee on May 6. However, I hope this written presentation of them will be of further assistance to the committee in its deliberations.

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

Sincerely yours,

NICHOLAS DEB. KATZENBACH,
Deputy Attorney General.

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

Mr. MULTER. I yield to the gentleman from North Carolina.

Mr. WHITENER. I should like to ask the gentleman a question with respect to the minority views, to which the gentleman subscribed. I notice the gentleman is concerned about the entire bill and its constitutionality.

Would the gentleman recommend that we embrace in this legislation the New York laws which were recently enacted called the stop-and-frisk and the no-knock laws, where a police officer can stop anybody and search him or go into anybody's house without knocking?

Mr. MULTER. I do not support those principles. I believe that those laws as enacted in the State of New York are unconstitutional and will be so declared when they reach the U.S. Supreme Court. I was not in favor of that approach then and I am not in favor of it now.

Mr. WHITENER. The gentleman in the well in the minority views indicates there is something unholy about our fixing minimum punishments for crimes committed in the District of Columbia, but I note in your State that second degree murder is punishable by imprisonment for not less than 20 years or more than life and manslaughter is punishable——

Mr. MULTER. May I interrupt for a moment?

Mr. WHITENER. Yes.

Mr. MULTER. And ask the gentleman if it is not a fact that statistics show that those mandatory penalties do not deter crime and they have not reduced the crime rate?

Mr. WHITENER. I take it the gentleman is saying that punishing crime has no relationship to deterring crime?

Mr. MULTER. Let us take penology and the history of penology as the gentleman knows it. Should we go back to the days when you cut off the hand of a thief or the days when the death sentence was imposed for stealing a loaf of bread?

Mr. WHITENER. I do not find any such language in this bill.

Mr. MULTER. No; you do not. But that is the underlying principle of mandatory sentences.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. NELSEN. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Chairman, I would like to join those who have spoken against H.R. 5688, the omnibus District of Columbia crime bill and strongly urge its recommittal or defeat.

During the last few weeks the entire country has had its attention focused on Selma, Ala., largely because of the unjustified and unconstitutional use of local police powers. Certainly at this time we should be particularly careful and responsible about authorizing police procedures in the local jurisdiction for which we have special responsibility—the District of Columbia. The entire country will be guided by our actions today.

I would like to call to the attention of my colleagues the communication I received in connection with this bill that was signed by many members of the District of Columbia Committee. Many members of this committee are attorneys and at least two of them are members of the House Committee on Judiciary and so are particularly sensitive to the need for proper legal procedures. They pointed out that this measure is being rushed through committee and this House without proper consideration. No public hearings have been held on this bill at all. In early 1963 the District of Columbia Committee held hearings on the general subject of crime in the District, but many proposals included in this bill were not discussed even then. I was shocked to find that the committee report, 153 pages long, only became available 3 days ago. Most disturbing is the fact that even the members of the District of Columbia Committee who oppose this bill did not have an opportunity to read the majority report before they wrote their dissenting views. Certainly we should have more adequate consideration of such an important measure than H.R. 5688 has received so far.

As an attorney and as a member of the House Judiciary Committee, I would particularly like to discuss one of the most dangerous aspects of this bill—the reclassification of a number of more minor crimes into major offenses and the setting of a mandatory minimum sentence for the committing of certain offenses.

The mandatory minimum sentence has been placed into the bill despite the opposition of the District Commissioners, the chief of police, the head of the District of Columbia Bureau of Corrections, the Justice Department, and the head of the Federal Bureau of Corrections.

These gentlemen believe as I do that such a provision will act to the detriment of what the proposers of this bill are trying to achieve—a crime-free city. No jury can fail to be cognizant of the consequences of its acts. If a mandatory minimum sentence were established, a jury feeling that such a sentence were too strong might be tempted to acquit a clearly guilty person. This has been done often in capital cases despite the disqualification of jurors who are willing to admit that capital punishment appears to be a too severe punishment to them.

Mr. Chairman, as a Representative of an urban district, I am well aware that crime is increasing during the 1960's to crisis proportions. In Detroit, before my election to this great body, I was actively concerned with the problems of police-community relations, police brutality, civil liberties, and urban crime. I am keenly aware of the necessity to deal with these problems. But if we are to deal adequately with this crisis, we must do it with wisdom and humanity, not with the retrogressive and unconstitutional measures included in this bill.

President Johnson demonstrated his concern with this problem when he announced his decision to appoint a Presidential Commission on Crime in the District of Columbia. Certainly it would be far better for us to await the report of that Commission than to pass this hastily-considered and ill-advised legislation.

Mr. Chairman, I particularly want to praise the members of the District of Columbia Committee who filed the minority report on this bill. Their report is cogent and exhaustive in its analysis of the bill. Let me read to my colleagues the three main points the minority report makes in its opening discussion of the bill:

A. The bill is being rushed through without hearings or adequate consideration.

B. The bill is badly drafted, unconstitutional, unworkable, unduly harsh, and inadequate for the needs of the District.

C. The Senate District committee's criticisms of the House bill further illustrate how objectionable H.R. 946 is.

Mr. Chairman, the minority report is of such quality, that I would like to use the opening and closing summary statements of the minority report as my closing remarks in urging the defeat of this bill:

MINORITY VIEWS—H.R. 5688

OPENING STATEMENT

We dissent from the majority report recommending passage of H.R. 5688. We think that the committee amendments are wholly insufficient to correct the basic deficiencies of the bill. We urge the House to reject the bill.

This bill incorporates many of the worst features of a series of bills which have been considered by this committee in recent years. It proposes harsh and repressive measures to punish the criminal symptoms of the social and economic misery within the District of Columbia. Its disregard of the basic requirements of the Constitution puts human values at the bottom of the legislative scale. It ignores the President's call, in his message to Congress of February 15, 1965 (H. Doc. 87, 89th Cong.), for "a fair and effective system of law enforcement" and "imaginative improvements in the entire legal and social structure of our criminal law and its administration." It takes no account of the President's simultaneous statement that he will "establish a commission which will concern itself specifically with crime and law enforcement in the District." And it is inconsistent with the President's recent message to Congress concerning crime (Mar. 8, 1965, H. Doc. 103, 89th Cong.), where he said: "We are not prepared in our democratic system to pay for improved law enforcement by unreasonable limitations on the individual protections which ennoble our system."

CONCLUSION

This bill is a repressive and unpalatable measure, whether considered section by section, or as a whole. If it were adopted for the District of Columbia, it would undoubtedly serve as a precedent and pattern for the enactment of similar legislation by State and municipal legislative bodies. It thus poses a danger to liberty and freedom and good government, not only in the narrow confines of the District of Columbia, but also throughout the United States.

We urge and hope that this bill will be rejected and killed.

FRANK HORTON.

Mr. NELSEN. Mr. Chairman, I yield 10 minutes to the gentleman from Maryland [Mr. MATHIAS].

Mr. MATHIAS. Mr. Chairman, I rise to oppose the passage of this proposed legislation and I do so with some feeling of regret because it mars the record of cooperation which the gentleman from North Carolina [Mr. WHITENER] and I have been able to achieve in matters that affect the Nation's Capital. Although we differ in our views on this particular legislation I think that the gentleman from North Carolina certainly deserves the highest credit for his intense interest in affairs of Washington and for the very many contributions that he has made. I am forced, however, to differ with him on this occasion by the provisions that are contained in this bill and by the very serious questions that I have in my own mind about it and the serious questions that are raised by people throughout the Nation's Capital.

Very many members of the District of Columbia Bar Association happen to be constituents of mine, living in the adjoining parts of Maryland and I think it should be known here in this House that the District of Columbia Bar Association is overwhelmingly in opposition to this bill.

The Justice Department has opposed this bill. I do not think it is enough for us simply to say that the Justice Department is opposed to it, but I think the Members of the House are entitled to know why the Justice Department is opposed to it.

When this legislation, with some modifications, was before the House last year, the then Deputy Attorney General, Mr. Katzenbach, who is now the Attorney General of the United States, had occasion to analyze it rather carefully in a letter dated September 13, 1963, addressed to the chairman of the Committee on the District of Columbia of the other body. I shall make every effort to interpolate his analysis of that bill accurately to relate it to this one, with due regard to the changes that have been made.

Of title I, which has not been changed, the Attorney General said:

It does not provide adequate standards or maintain necessary safeguards.

This is the Attorney General's considered view of the Mallory rule provision title in the bill which is now before the House. I repeat it:

It does not provide adequate standards or maintain necessary safeguards.

Unfortunately, the Attorney General was not before us in this session of Congress to give his current views on the Mallory rule and its effect on the administration of justice. I doubt that he would have changed his views on title I this year. But I think at least it would have been helpful if we had his current views on this legislation.

With respect to the Durham rule the Attorney General was equally decisive.

Referring to the provisions which affect the Durham rule he said:

In Mr. Acheson's opinion and that of the Department of Justice, the difficulties that inhere in the Durham rule have been largely obviated by the decision in *McDonald* v. *United States*. The McDonald decision brings the test of criminal responsibility closer to the standard of control over behavior and restores to the jury the function of passing upon the credibility and weight of the testimony of expert witnesses, thus sharply curtailing the practice of court-directed verdicts of acquittal by reason of insanity.

It is a major modification of Durham rule. It is noteworthy that in the McDonald case the en banc opinion of the court was unanimous and reflected a willingness on the part of the court to make adjustments in the Durham rule and to apply a continuing reevaluation to developments in this field of the law. We believe, therefore, that the court should be given the opportunity to further consolidate and crystallize its new departure in the field of criminal responsibility and that legislation at this time would only bring new controversy and confusion into a field which seems to be clarifying in a satisfactory way.

This was the opinion of the Attorney General last year. The proposal now pending before us has not been changed and does not differ in this regard. We do not know whether the Attorney General himself may have changed his views. It would be very valuable to know his views. I doubt if he has changed them.

But, Mr. Chairman, certainly this House should be advised of the legal opinion of the highest legal officer of the United States.

With respect to the title which deals with the detentions, the Attorney General last year objected on the ground that this bill provided for seizure "without probable cause."

The committee has remedied that difficulty and has provided that there must be probable cause. That amendment to the bill, helpful as it is, does not overcome, however, the Attorney General's further objection, and I quote:

In addition, the detention proposed by title III deprives a person of his opportunity to seek bail immediately, keeps him incommunicado, suspends his right of habeas corpus, and tends to impair his privilege against self-incrimination under the fifth amendment.

Mr. Chairman, that is the legal opinion of the Attorney General of the United States with respect to this legislation.

The Attorney General said last year that he fully recognized the necessity for securing the appearance of material witnesses. He had some constructive and positive suggestions to make as to how that could be done in a constitutional manner. I believe it would be extremely helpful to have the Attorney General before us in order to discuss in person some of those suggestions which he made. I wish that that could be done.

Mr. Chairman, in dealing with the subject of mandatory minimum sentences as provided in this bill, the Attorney General has said, and I quote:

Finally, mandatory minimums are in direct conflict with Public Law 85–752 which seeks to invest the sentencing process with a full consideration of all the factors involved, an objective which that law proposes to reach through judicial institutes and indeterminate sentences.

Here, again, Mr. Chairman, is an area where the highest legal officer in the United States has given his view on a serious question of judicial and penal philosophy, which is in conflict with the provisions of this bill.

There are other provisions contained in the bill which as I say have been modified in accordance with past criticism and which will pass muster today. I have given to the members of the Committee a sampling of the provisions in the bill that still exist which have not been changed and which have been questioned by the highest legal officers and which were questioned by Members of the House, as you will see from a study of the minority report.

I believe that we need to go back again into committee and find a greater consensus on what must be contained in this bill.

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

Mr. MATHIAS. I yield to the gentleman from New York.

Mr. FARBSTEIN. Under the terms of the bill as I read title III a man may be detained for 6 hours and if, in the wisdom of the arresting or holding officer, he must be considered a defendant and must be arrested, does the gentleman know whether or not at the end of that 6 hours when an arrest is determined to be made there is required under the legislation immediate arraignment before a justice or a judge for bail to be fixed?

Mr. MATHIAS. I would hope that would be the implication, that they would wait no longer than that for a legal arraignment. But I can perceive from the gentleman's question that there is at least a doubt in his own mind.

Mr. FARBSTEIN. If the gentleman will yield further, there seems to be a doubt in my own mind because there is nothing in the legislation as I read it for the police at the end of 6 hours then to have the proposed defendant booked and detain him a subsequent period of time without immediate arraignment before a justice or a magistrate or whatever he is called, so that bail can be set.

I would like to have that clarified if someone on the committee can do so.

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

Mr. MATHIAS. I yield to the gentleman from Texas for a clarification of that question.

Mr. DOWDY. It will clarify itself if the gentleman will read the bill. The last sentence of section (c) under title III states as follows:

At the end of the detention the person so detained shall be released or be arrested and charged with a crime.

Mr. FARBSTEIN. But the gentleman did not answer the question. The question I posed was whether or not he is considered arrested, and he must thereupon be brought before a magistrate or a sitting judge in order for bail to be fixed at that time. I would like to have that clarified.

Mr. DOWDY. The crime is carried up to the magistrate.

Mr. MATHIAS. I think you can get some idea from the questions that have been raised today of the controversial character of this bill. There is the statement of the Attorney General of the United States, which has been quoted, leaving a very serious doubt as to what should be done here. The opinion has been expressed time and again on the floor this afternoon that this Nation's Capital should be a model for the whole country with respect to its criminal code. I certainly share this view. I have as much if not more reason than anyone in this Chamber for wanting to see Washington have the lowest crime of any major city in this country, but I am not convinced this bill will contribute toward that objective.

I would like to know the current views of the Attorney General on some of these matters. I would like to know what the President's Commission on Crime is going to propose. I would like to know what the current thinking of some of the law-enforcement officials of the District of Columbia may be, including the new police chief, who has not been called to testify on this particular legislation.

I would like to know what effort and steps we can take in the classification of crimes, or what steps we can take to improve the Police Department, what we can do about raising police morale. The policemen in the District of Columbia have to testify on their own time. If that results in overtime for them in the week, they do not get any additional compensation for that. What effect does this have on the morale of the Police Department? There are some mechanical steps in the administration of the courts and the Police Department that need to be examined, as well as the amendment of the criminal codes. All of these questions need review in the District.

At the proper time I shall offer a motion to recommit with the instruction that the committee hold public hearings on this bill.

Mr. NELSEN. Mr. Chairman, I yield 2 minutes to the gentleman from Washington [Mr. ADAMS].

Mr. ADAMS. Mr. Chairman, I rise to speak on this bill from some experience in the past with basic law enforcement, particularly in the area of the Mallory rule and the McNaghten test as opposed to the so-called Durham rule. I was U.S. attorney for a period of time and, basically, what I speak with regard to is the law-abiding citizen, the basic problem that is facing all of us in the District of Columbia—particularly those of us who live in the District, and in the day-to-day life that we must live—and the practical approach of what is done day by day on the streets and, yes, in the actual homes, backyards, and rooms that are involved within the city and the people that are living with them.

The original McNaghten rule is in force in most of the jurisdictions of the United States. Insanity is a matter of defense. It is a matter in many States that is presented to the jury and rightfully so. This is because our present psychiatric abilities are not up to deciding whether or not a man is perfectly safe

for all time. We talk about the individual rights of human beings. This, of course, we are all concerned about. We are concerned about the law-abiding citizens, too. I have some grave worries about title V of this bill. But title I and title II are basic titles that are in force in most of the jurisdictions of the United States at the present time.

In street crimes one of the most desperate and difficult things that any prosecutor faces is the original proof of what happened. This is because usually this comes from a hysterical victim and from some eyewitnesses who are not very accurate and, yes, from investigations involved with the person who is accused. This is a valuable tool. This is a necessary tool. Many of the things that happen in street crime cases are directly dependent upon how efficient and effective law enforcement is. In terms of police morale, you will find your level of law enforcement will rise or will fall to the level that is established by the courts where convictions can be obtained.

I might say this, in practical, general law enforcement, you can expect that out of every 10 persons apprehended, only about 3 will actually reach the prosecutive function. There is a reason for this. There is protection by the actual things that happen in the prosecutor's office in deciding whether or not further prosecution is warranted. There is a second factor that is very important and that is, very often the person who is involved in the particular crime will not be apprehended at all even though the officer may have probable cause, for the simple reason that if you cannot use a statement that occurs after the individual has been apprehended, then you find yourself in a position where your case will depend on eyewitnesses who are not always accurate. An eyewitness is of far less value than we are led to believe by television.

The final point I would make is this. If we are basically going to try to enforce responsibility in our major city areas, I favor education—spending more money—having an antipoverty program. But we must have responsibilities along with such efforts and the responsibilities are to be certain that you can live in your homes in safety and walk in your streets in safety. The responsibility that goes with living in a major city is that you must have some respect for your neighbors. You must be able to move in your city streets. You must be able to say this is a community in which you want to live. I do not believe there is a civil rights or a civil liberties factor running through this, particularly in titles I and II. We live with these provisions throughout the rest of the country and live with them very well. We live with them because of the responsibility and the respect that you obtain from your commissioners. I happen to know the U.S. attorney in this area. He is a fine man and I do not worry about his responsibility in questioning or handling witnesses in the period of time between when they are apprehended and when they actually go before the court.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NELSEN. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. SICKLES].

Mr. SICKLES. Mr. Chairman, I thank the gentleman for yielding me this time. I hate to impose upon you with this voice today, but as an area resident and one who is very much concerned with the problem of crime in the District of Columbia, as well as in other areas of the country, I feel I should go on record, in addition to the fact that I am one of the signers of the minority views, in stating publicly to you how concerned we are. But we also feel that adequate consideration has not been given to the bill and the subject matter before us.

As was indicated by the chairman of the subcommittee, a very able gentleman, he did not have time during his explanation to go through all the many titles of this bill in order to discuss them at great length.

Although I am an attorney and practiced law for many years in the District of Columbia, I do not happen to be a specialist in the field of criminal law, so I have neither the expertise nor the prejudices on both sides of this problem which faces us, particularly with respect to titles I and II of the bill. I will say that when it is suggested the only thing we have to do to solve the criminal problems of the District of Columbia is to pass this bill—or, perhaps stated otherwise, that if we do not pass the bill we are derelict in our duties—we all must recognize and admit that we cannot, simply by the passage of a law, change the crime situation in the District of Columbia. It is that kind of problem which needs a many-pronged attack.

I need only remind those of you who were here last session that at least two things were done.

One was that we provided, by the extension of the Juvenile Delinquency Control Act, a specific grant of $5 million for the District of Columbia so that we could work specifically in this area in the District of Columbia.

We also passed the poverty bill which provides for community action programs to attack the causes of poverty and in turn the breeding places of poverty.

Mr. WHITENER. Mr. Chairman, will the gentleman yield for a question?

Mr. SICKLES. I am glad to yield to the gentleman from North Carolina.

Mr. WHITENER. I notice that the gentleman signed the minority views, in which he takes us to task for the detention-for-interrogation provision. I note that in the Maryland law there is no time limit stated by statute, but this is left within the discretion of the police department.

The gentleman also joined in taking us to task for fixing minimum penalties for felonies; yet I note, starting with second-degree murder, that in Maryland there is a statutory provision of punishment of not less than 5 nor more than 18 years; and on down the list of crimes there are minimum punishments provided. Has that worked harmfully in Maryland?

Mr. SICKLES. In answer to the gentleman's question, let me say that, of course, there are some nine signatures on one document, but I will stand on every word in the minority views until we have had adequate hearings so that I can hear testimony saying it may not have worked, as the gentleman indicates.

Mr. WHITENER. I am sorry the gentleman does not have time to tell us the portions with which he does not agree in the minority views. I am sure that would take quite a while to detail.

Mr. SICKLES. I repeat that I stand on every word in the minority views until there is a public hearing on the matter.

Mr. NELSEN. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. COHELAN].

Mr. COHELAN. Mr. Chairman, let me make it clear that I share the concern of my colleagues in the House and on the District Committee with the rate of crime and the increase in criminal behavior in the District of Columbia.

There are obviously many factors contributing to this problem: unemployment, inadequate education and job training, slum housing, lack of recreational resources and the denial of equal opportunities, to mention just a few. These factors must be dealt with directly if crime is to be combated effectively. We must attack the causes and not the results and we must do so without, as this bill before us today does so flagrantly, limit and infringe upon basic constitutional rights.

Attorney General Katzenbach emphasized in his report on virtually this same bill 2 years ago that:

> There are varied interests which must be accommodated in any statutes we enact to aid in the enforcement of our criminal laws. We must make available to our law enforcement officers whatever lawful, appropriate means we can with which to make our streets, homes and places of business safer. At the same time, we must be mindful of the fact that not every person taken into custody, not even every person charged with crime, is guilty. We must be mindful that irrespective of whether such person is innocent or guilty, our Constitution and our way of life require that certain, sometimes restrictive, rules of conduct must be followed by our enforcement people and our courts.

Mr. Chairman, I submit that this bill does not meet this important standard; that it violates many hard-learned principles regarding the treatment of criminal behavior; that it reads in part as if the Constitution of the United States has been suspended in its Capital City. I urge, therefore, that this bill be rejected and returned to the committee for the deliberate consideration it deserves—for the consideration that can lead to a constructive attack on the problem of crime.

M'NABB-MALLORY

Turning briefly to the specific provisions of this bill, Mr. Chairman, we find that title I would repeal for the District of Columbia alone, among all Federal jurisdictions, rule 5(a) of the Federal Rules of Criminal Procedure. As the Attorney General explained so clearly in his letter of May 16, 1963, to the committee:

> The Mallory rule is not at all concerned with whether or under what circumstances the police in the District of Columbia may make an arrest. The case stands merely for the proposition that a confession obtained

from an arrested person before his arraignment will not be received in evidence in a criminal trial if obtained during a period of unreasonable delay. This is as it should be.

The Mallory rule does not prevent the police from conducting investigations by questioning people. It simply prevents them from arresting people for the purpose of questioning in the confines of a police station while they are unable to contact friend, relative, or counsel.

The Whitmore case in New York City earlier this year is a clear example of the shocking abuse which this provision of H.R. 5688 could perpetrate. As an assistant New York City district attorney subsequently stated:

I am positive that the police prepared the confession for Whitmore. I am also sure that the police were the ones who gave Whitmore all the details of the killings that he recited to our office.

He went on then to say something grim and worth remembering:

If this had not been a celebrated case; if this case hadn't got the tremendous publicity; if this was what we so-called professionals call a run-of-the-mill murder, Whitmore might well have been slipped into the electric chair and been killed for something he didn't do.

Surely effective law enforcement does not require this kind of constitutional shortcut.

Title I would overrule many court decisions and a long, well-established policy of protecting persons against unlawful detention and secret, prolonged interrogation. It would weaken the rights and liberties of every American.

Nearly all States require preliminary hearings without unnecessary delay. This rule is effective in all 10 judicial circuits of the Federal court system. Title I would abrogate this vital protection in the District of Columbia alone. It has, accordingly, in its present form, been vigorously opposed by the Department of Justice, the District Commissioners, and the District of Columbia Bar Association. It is a dangerous attack upon vital human protections and constitutional guarantees, and should be defeated.

DURHAM

Title II of H.R. 5688 would change the entire law and procedure in the District of Columbia concerning mentally ill persons who have committed criminal offenses. Title II is proposed, moreover, after only cursory hearings in 1963 which did not include the testimony of medical or psychiatric experts, of specialists in mental health, penology, or criminology, or of representatives of the bar, other than the U.S. attorney. Mr. Acheson, stated in 1963 moreover:

All of those problems with the Durham rule have been very considerably clarified and alleviated in the McDonald decision.

The committee has claimed that the test of criminal responsibility proposed in title II is "patterned after and follows closely the formulation of the American Law Institute."

The fact is, however, that the test differs in one crucial respect. It differs by asking the Congress to adopt the right-wrong test of the M'Naghten rule promulgated by the House of Lords in 1843. Since that time this test has been forcefully and repeatedly condemned by judges, lawyers, criminologists, and psychiatrists. Thirty years ago Judge Cardozza pointed out that this test "has little relation to the truths of mental life." Judge Biggs, of the Court of Appeals for the Third District stated in 1961:

The M'Naghten rules are not only unfair to the individual defendant but are dangerous to society.

And a Royal Commission in England, after extensive study, concluded:

M'Naghten cannot be defended in the light of modern medical knowledge and modern penal views.

Despite certain allegations, the commitment procedure under the Durham rule affords the community greater protection than would imprisonment of mentally ill offenders. Persons sent to jail are released at the expiration of their sentence, even though they are predictably dangerous. A person found not guilty by reason of insanity, however, is automatically committed to a mental institution where he must remain until both the hospital authorities and the District court are satisfied that he has recovered his sanity and will not be dangerous to the community or to himself.

In recommending against passage of title II in the previous Congress, the District Commissioners stated that the "Durham rule seems to be working very well" and that title II would "operate to complicate the determination of mental illness" and "complicate the release of apparently recovered persons."

The Department of Justice stated that recent decisions, notably *McDonald* v. *United States* (312 F. 2d 897, 1962), have obviated the need for such legislation and that the courts "should be given the opportunity to develop and refine the law in this area without legislation at this time."

Mr. Chairman, I submit that these arguments speak for themselves.

ARRESTS FOR INVESTIGATION

Title III would abolish the ban on arrests for investigations, a ban instituted only 2 years ago, after exhaustive study, by the District Commissioners.

The committee, in its report, has claimed that investigation is vital to law enforcement. But the records show that in the overwhelming majority of cases, detention for questioning, no matter how prolonged, has led to very few charges actually being filed.

As a matter of fact, the very thorough study conducted by the Horsky Committee on Police Arrests for Investigation revealed that in the 2-year period 1960–61, 211 persons were arrested for investigation of homicide, of whom all but 1 were released. During the same period 120 persons were arrested for investigation of rape, only 1 of whom was charged. For robbery the figures were 1,998 and 51; for housebreaking, 1,682 and 67.

Not only is title III uncalled for, with its police power to detain suspects and material witnesses incommunicado for up to 6 hours, it is clearly in violation of not just one, but several sections of the Constitution.

As the Horsky committee reported, and as the District Commissioners have emphasized in their report on this measure—

Such arrests cannot be reconciled with the fourth amendment to the Constitution in that there is not a requirement of probable cause.

Such arrests deny to the person so detained the opportunity to secure his liberty by seeking bail or posting collateral.

Such arrests deny the right of habeas corpus.

Such arrests deprive the person detained of the right to counsel.

Such arrests tend to impair the right of the person, under the fifth amendment, not to be compelled in any criminal case to be a witness against himself.

Section 301(c), to be sure, says that detention "shall not be recorded as an arrest," but these are empty words at best. In addition to the denial of fundamental constitutional rights, what lesser stigma is it to be a detainee rather than an arrestee? What security official would ignore such a record of police custody?

This title, in its present form has been opposed by the Department of Justice and the District Commissioners. It has been resoundingly rejected by the District of Columbia Bar Association. The House should do no less today.

INCREASED AND MANDATORY PENALTIES

The increased and mandatory penalties for certain crimes contained in title V of this bill are both unwise and unnecessary and could lead to serious injustices. In commenting on this section both the Department of Justice and the District Commissioners have stated their strong opposition to mandatory sentencing and the resulting denial of judicial discretion.

The Justice Department, in particular, has stated:

Greater discretion in sentencing should be permitted in order that all facts and circumstances of the particular crime may be taken into account. We think it unwise to establish minimum sentences and thus remove or limit the discretion of judges to impose sentences on the basis of the particular crime and the background of the person convicted.

Mr. Chairman, no substantial evidence has been presented that the specific crimes mentioned in title V require more severe punishment than is already provided under existing law. It is well to note too that the sentences imposed by the District courts for these particular crimes are, on the average, higher than those in almost any other jurisdiction in the country.

This tinkering with existing law is unnecessary, unwise, and unwarranted and should be rejected.

PRIOR CENSORSHIP OF ALLEGED INDECENT MATERIALS

Title V of this bill would also permit, for the first time in the District of Columbia, censorship through the sanction of prior restraint of materials alleged to be indecent.

The Supreme Court's condemnation of prior restraints, of free expression, is firm and well established. In the case of *Near* v. *Minnesota* (283 U.S. 697, 1931) the Court ruled that prior censorship is

unconstitutional. Only 2 years ago in the case of *Bantam Books* v. *Sullivan* (9 L. ed. 2d 584, 593) the Court ruled that:

Any system of prior restraints of expression comes to this Court bearing a heavy presumption against its constitutional validity.

The committee has based much of its case on the Supreme Court's decision in *Kingsley Books* v. *Brown* (354 U.S. 436, 1957). But it should be clear in everyone's mind that this bill contains none of the safeguards on which the majority of the Court relied in this case.

Mr. Chairman, I defer to no man in my opposition to those who prey on innocent minds in order to make a fast buck; to those who sell or exhibit pornography.

But despite the amendments made by the committee, section 507 is still so broadly written that it clearly infringes upon rights guaranteed by the first amendment to the Constitution.

Mr. Acheson, U.S. attorney for the District of Columbia, stated to the Senate District Committee last year:

Well, I think the present statute is adequate to support a criminal prosecution.

Mr. Acheson went on to quite correctly point out the language used in this section in no way more clearly defines the meaning of the word "obscene"; that we would still be faced with the same impediments "plus some additional problems this bill would introduce."

It is all very well for the proponents of this bill to say that it is not aimed at reputable publications. But the sad fact is that it could do far more than strike at the purveyors of pornography. The range of newspapers, magazines, and books which could be reached by its language is virtually unlimited.

Even in its amended form, section 507 contains substantial constitutional problems and should therefore be denied.

In conclusion, Mr. Chairman, this bill is both narrowminded and repressive. Its major provisions have been severely criticized by those District and Federal officials who are charged with the administration of justice.

If adopted for the District of Columbia it would undoubtedly serve as an unjust and unfortunate precedent for other jurisdictions. It thus poses a danger to liberty, freedom, and good government, not only in the District, but throughout the United States. It should, therefore, be vigorously and promptly rejected.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WHITENER. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. DOWDY].

Mr. DOWDY. Mr. Chairman, I, of course, am in favor of this bill. I am in favor of anything that will do something, even if at least partially, to improve the crime situation as far as the enforcement of the law of the District of Columbia is concerned. At this time, I will explain section 506, which no one has discussed.

SECTION 506. INDECENT PUBLICATIONS

During the last few years, members of your committee have become sorely aware of a thriving traffic in indecent and obscene literature and materials within the District of Columbia. The existing law—District of Columbia Code, section 22–2001—was enacted in 1901. There has been no amendment to this old law, although the means of production and distribution of such vile materials has been made easier by modern methods and facilities. The present law, 64 years old, is without penalties of consequence and lacks other provisions which provide effective means of dealing with this traffic.

In one case a police investigation traced a source of obscene material to a basement printing establishment in a residential area of the city. While law-enforcement officials were able to confiscate the plates used in printing the material, no action could be taken against the persons involved in the manufacture or production of the materials. No action could be taken against the producer or those participating with him.

To correct this situation, in the early part of the 87th Congress, I introduced legislation designed to provide better law for aiding law-enforcement officials to curtail the dissemination of such material. The bill was favorably reported by your committee and approved in the House. Thereafter the other body acted favorably on the text of the House bill with amendments. The differences between the two Houses were compromised in conference and thereafter the conference report was approved by both Houses, and transmitted to the President for approval.

The President withheld his approval, which action was after adjournment of the 87th Congress. In his message to Congress indicating the reason for withholding approval, the President indicated those provisions of the bill to which question had been directed. Thereafter, further study was made by your committee to develop language which would meet the President's objections. As a result this section of title 5 of H.R. 7525 of the 88th Congress, as amended, has been further amended.

The existing law provides penalties of imprisonment for not more than 1 year or a fine or not less than $50 or more than $500 or both, where a person is convicted for selling, offering to sell, give away, or who has in his possession with such intent, any indecent materials or who engages in any public exhibition or performance which contains indecent language.

I will proceed from this point to talk about a few of the other matters that have been mentioned here. One matter which has been mentioned a great deal has been a crime commission. They want us to continue to let crime increase at the rate of 25 percent a year in the District of Columbia while they have a crime commission setting, although that commission has not as yet been appointed.

I am sure you have noticed, the reports from the multitude of crime commissions we have had in the past indicate that they usually always come in with one report, namely, that the criminal is not responsible for his acts. Now, that is not helping the innocent people in the District of Columbia or in any other part of the United States.

There have also been statements made here about what the other body or the Supreme Court will do about any legislation which we pass. Ladies and gentlemen, as far as I am concerned, I want to do my duty. The fact that the other body or some court will fail or refuse to do its duty should not concern this body with reference to what it does here today. The same thing applies to what the Attorney General of the United States might say or to what the criminal bar of the District of Columbia might say. Incidentally, the criminal bar, of course, is interested in getting verdicts of acquittal for their clients. That is what they get paid for. They earn their money, all right, and should be paid, but I think we should look after the interests of the innocent people who are concerned.

Mention has also been made of the Durham decision. That is a decision which is probably freeing more criminals or as many in the District as the Mallory rule.

There is a criminal lawyer in the District of Columbia who is a friend of mine. The words he used in describing it is that it is the most idiotic decision he ever knew to be rendered by the courts. It was wrong, he said, but he was going to take advantage of it as long as it was the law. Now, I do not blame him, because that is his job and his duty as an attorney representing his client.

A long time ago I heard a story which was recalled to my mind by a matter which occurred today in a court in the District of Columbia. It is the old story about a man who was being tried in justice court for stealing a watch. His lawyer was there with him and they had a hearing and then the judge said he was finding the man not guilty. The defendant turned to his lawyer and said, "Does that mean I can keep the watch?"

Well, I have not had time to check on it, but today here in the District of Columbia, I have just been advised, in case No. 413–64, a man was charged with having robbed a store of $4,000. He was arrested on that charge. They got the $4,000 and his gun, and the $4,000 and the gun were in court today together with the porter who worked in the store and who identified the man, and the arresting officer. The man whose store was robbed of the $4,000 was available on call. The assistant district attorney dismissed the case because he did not have enough witnesses. Now, I do not know which one of these rules caused that to come about, but to relate this to the story I just told you, the attorney for this criminal is going to bring suit to get the $4,000 and the gun for his client. Of course, the $4,000 belongs to the storekeeper who was robbed, but the criminal, because his case was dismissed, is going to have his lawyer see if he cannot get the $4,000 for him.

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

Mr. DOWDY. Yes. I yield.

Mr. MULTER. What in this bill will prevent the dismissal of that kind of case?

Mr. DOWDY. I said I do not know which one is responsible for it, whether it is the Mallory rule or the Durham rule that caused the dismissal. I have not had the time to find out which one, but it is one of these fool rules or some similar fool rule that caused it, and this bill would correct those rules, so such a result could not come about.

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

Mr. DOWDY. I yield to the gentleman.

Mr. BELCHER. I was rather interested in what the gentleman said about having these crime commissions appointed while crime goes on. It reminds me of the Chinese man in San Francisco talking about the foghorn. He said: "The foghorn blow and blow and blow but the fog comes just the same."

Mr. DOWDY. That is true.

Mr. BELCHER. The gentleman from New York asked a question of the gentleman from Texas a while ago as to what provision of this bill would prevent the same thing happening. I do not think you can tell him, because I listened to the gentleman from New York for over 10 minutes and I did not find him discussing any single part of that bill. He did not point out one single reason why the bill was so bad that he should vote against it. I would like to hear somebody who is opposed to this bill point out what is wrong with it.

Mr. DOWDY. It has not been pointed out. Mr. Chairman, I want to say this, going a little further into the matter of the Mallory rule. I do not know whether many of the Members know how far the courts have carried the Mallory rule. I do not know how many Members are familiar with this rather long report that we wrote in support of this bill. Under the Mallory rule, Mallory was turned loose after a very vicious rape, because he had been detained from midnight until sometime the next morning when they could bring him before a judge. After he was freed of the charge which was a particularly vicious rape case, he did not have any better sense than to go into another jurisdiction, and commit the same kind of crime. There they put him in the penitentiary for 20 years or so, so we will not be bothered by Mallory for awhile.

But following the Mallory case, there was a man in the District of Columbia by the name of Killough who killed his wife. He beat her, strangled her to death, carried her body out to a dump heap and buried her under a pile of trash, under a pile of rubbish. About 5 days later he told the police that his wife was missing. Then he disappeared. When he came back the police questioned him but they did not charge him. At the end of the day he was booked and held. The following day he decided to take the police to the place where he had taken his wife and there revealed her body to the officers in the dump heap. If that is not evidence of the truth of a confession, I do not know what is. He was the only man who knew where the body had been put. He was the man who killed her. He was the man who revealed her dead body to the police. He took the police there. After he did that he made another confession.

The first confession he made was before he took the police to where the body had been buried. The court held under the Mallory rule that the first confession was no good because he had not been arraigned, and that the last confession that he made, and his act in showing the police where the body was, were not admissible because they were "fruit of the poisoned tree."

There was no doubt about the man's guilt at all, not the least. He was tried twice and found guilty by two juries, and the courts, in each instance, reversed the conviction. The trial judge, in the third trial, instructed the jury that they had to turn him loose although he had cruelly and brutally killed his wife.

Let me read what the trial judge said in that case in instructing the jury. The action that judge was forced to take because of the Mallory rule, which this bill will correct, was as revolting to him as it will be to you or any reader.

I read the following:

FINDINGS OF THE COURT [1]

The COURT. From the very beginning of this case I have not had the feeling that I am presiding over a judicial determination, the object of which is to find the truth and to see whether or not this defendant is guilty of his wife's murder but rather I have felt that I have been presiding over some kind of an impossible farce where, due to such esoteric technicalities as "fruit of the poisoned tree" and "putting a cat in and out of a bag," we can technically do justice to a thrice confessed uxoricide.

In this case this defendant on three separate occasions confessed to foully killing his wife and throwing her body on a dump like a piece of garbage. He led the police to the point where he had thrown his wife's body on this dump; and yet the Court of Appeals, in its wisdom, in two separate opinions, has seen fit to throw out all of those confessions.

As a matter of fact, the first confession, which was made after arrest and before arraignment, was eliminated by the first trial judge in this case on the first trial under what have now become well-established principles under the Mallory rule but a second confession made after arraignment, after advice by the U.S. Commissioner as to the man's rights, made to a policeman who had gone to the jail to arrange for the disposition of Mrs. Killough's body, was thrown out by five members of the Court of Appeals over the vociferous objections of four other members of the Court of Appeals.

The five members of the Court of Appeals who threw out the second confession nowhere in their opinion ever expressed the slightest concern for the murdered woman and nowhere ever expressed the slightest concern for the safety of the public.

The four dissenters did express concern for both; and Judge Miller was even called upon to state, somewhat plaintively: "I think, that in our concern for criminals, we should not forget that nice people have some rights too." But that sentiment in this jurisdiction seems to be a voice calling in the dark.

After the second confession was thrown out by the court of appeals on such grounds, or after discussing such matters as "fruit of the poisoned tree" and putting cats in and out of bags, it came back for another trial before another jury. There we had the third confession which was made voluntarily to a student psychiatrist, I believe, who was acting as a classification intern at the jail; and, on a second appeal, by a 2-to-1 opinion, again Judge Miller dissenting, that confession was thrown out. Again, no mention of the rights of the foully murdered woman, no mention of the protection of the rights of the public; only talk about the creation of technicalities that would protect a thrice-confessed murderer.

And then the court sends the case back and seems to me almost dares the U.S. attorney to try the case again.

The court said "The case is reversed and remanded for a new trial if the Government chooses to proceed with one."

The Government has proceeded but, in the opinion of this court, the court of appeals in two previous opinions having stripped the case of the three voluntary uncoerced confessions of the defendant, leaves the U.S. attorney and this trial court with no competent evidence on which the jury could find (1) that this body which was found on this dump, cast there like a piece of garbage by this defendant, was in fact the body of the deceased Mrs. Killough and (2) no competent evidence from which a jury could reasonably find that this defendant in fact throttled his wife as he has thrice confessed to doing.

This court therefore will have to direct a verdict of not guilty. I do so with a very heavy heart, and in fact it makes me almost physically ill to do so.

I think tonight that felons in the District of Columbia can sleep better. I think that law-abiding citizens can take new apprehension for their safety.

Call the jury in.

(The jury was called into the courtroom and the following proceedings were had:)

The COURT. The four alternate jurors will leave their seats and please take a seat on the front row.

(Alternates 3 and 4 left the jury box.)

The COURT. Alternate jurors 1 and 2 will likewise take a seat.

(Alternates 1 and 2 left the jury box.)

The COURT. Ladies and gentlemen of the jury, the defendant before you has been tried twice before by two different juries and found guilty of killing his wife. On both occasions the matter has gone to the court of appeals and been reversed, and each time the court of appeals has excised from the case evidence that would show the defendant's guilt. As a matter of fact, they have excised from the case three separate confessions of this defendant that he killed his wife and threw her body on a dump.

With the evidence that is left to this trial court after the excising of the other evidence by the court of appeals, this court must rule that there is not now before this jury sufficient evidence on which reasonable men could find that this defendant killed his wife.

I therefore, with a heavy heart and great reluctance instruct you to bring in a verdict of not guilty.

(The directed verdict of not guilty was taken by the deputy clerk at the direction of the court.)

Mr. Chairman, many Members have complained about this bill because it will correct the Mallory decision so the innocent victims of criminals may be protected.

Mr. Chairman, I believe that each of the provisions of the bill will be most helpful in curbing the progressive increase of crime in the District of Columbia, and I urge its favorable consideration by this body.

Mr. WHITENER. Mr. Chairman, I yield 2 minutes to the distinguished chairman of the Committee on the Dis-

[1] In *United States of America* v. *James Killough*, criminal action No. 977-60, Oct. 8, 1964.

trict of Columbia, the gentleman from South Carolina [Mr. McMILLAN].

Mr. McMILLAN. Mr. Chairman and Members of the Committee, first I want to congratulate the members of Subcommittee No. 5 and its great chairman, the gentleman from North Carolina [Mr. WHITENER], for the fine work they have done in preparing this proposed legislation.

The gentleman from North Carolina and his subcommittee has spent hours, days, weeks, and months in trying to get a bill before this House which we feel can assist in reducing crime in the Nation's Capital.

Mr. Chairman, I have heard a lot of statements made on the floor of the House today to the effect that there have been no hearings on this proposed legislation. The identical bill was considered by the joint committee of the House and Senate last year with the exception of amendments to title 5, section 506. On page 77 of the hearings the former District Attorney, Mr. Oliver Gasch, appeared in support of this legislation. Also on page 97 the members of the committee will note that the present Attorney General, Mr. Acheson, appeared in support of abolishing the Mallory rule with the statement we could not live this rule here in the District of Columbia.

Here we are only trying to amend the Mallory rule today.

Mr. Chairman, there have really been some far-reaching statements made here today which of course I am certain the gentlemen who made them will want to correct later, because this bill has had more hearings and studies than any proposed legislation about which I have heard and which has been before the Congress in many years.

I do not believe anyone can say that we should not do something to make the streets of our great Nation's Capital safe for our wives, daughters, and our visitors to walk when they visit Washington.

Mr. Chairman, some people seem to think that we have fashioned this bill so that it will do injury to certain people. I would like to state that I have had more colored people come to my office and ask me to assist in having legislation enacted which would protect their wives and children on the streets than I have whites.

I would further like to state that I want to congratulate the colored churches especially upon appointing and getting committees to work on trying to keep the juveniles off the streets of the District of Columbia, all of them that have visited our committee have been interested in doing something about crime in the Nation's Capital.

We are again calling on the House of Representatives to assist our committee in trying to curb crime here in the Nation's Capital. The bill today is almost identical to the bill that the House passed 2 years ago by a vote of 2 to 1. I hope every Member will realize that we will soon have millions of students and visitors from every State of the Union coming to Washington and they deserve protection while they are visiting their Capital. I think this proposed legislation should be expedited in every way possible so that it can become a law and give the police the assistance they justly deserve before the thousands of people begin pouring into Washington.

It is time that the Congress, under the directive in the Constitution to "exercise exclusive legislation in all cases whatsoever" in the District of Columbia, measures up to its obligation to the law-abiding citizens of the District as well as to the millions of people coming to Washington annually to visit this great Capital city of the United States.

The ugly facts are that there were a total of 30,660 reported criminal offenses in Washington during 1964, an alltime high, which was an increase of 94.1 percent over 1957. Yet during the same period the prison population in the District of Columbia Reformatory at Lorton decreased from 1,932 to 1,456. February 1965 was the 33d consecutive month of crime increase in the District. Washington today ranks fourth among cities in the 500,000 to 1 million population class in the rate of crime index per 1,000 population. "Crime will not wait while we pull it up by the roots. We cannot postpone our responsibilities to act against crimes committed today." So stated President Johnson in his recent messages to Congress.

This is the third consecutive Congress wherein the House District Committee has favorably reported legislation to deal with crime in the District. This bill is essentially the same as H.R. 7525, which passed the House by a 2-to-1 vote in the last Congress. I respectfully commend to your attention the committee's report—House Report 176—on the pending bill—H.R. 5688—which may be briefly summarized.

Title I is a rule of evidence for the courts of the District, and simply stated provides that a statement or confession made by an arrested person shall not be excluded from evidence solely because of delay in his arraignment. Such legislation has been passed previously by the Senate and several times by the House, having been favorably reported by the House Committee on the Judiciary as well as by the House District Committee. Because of the unique situation in the District giving Federal courts jurisdiction in criminal cases, this provision is necessary so that voluntary confessions, made after a suspect has been warned, may again be received in evidence in criminal trials in Washington.

Title II is based upon the recommendation of the American Law Institute to the test of insanity as a defense in criminal cases and places the burden of proof where it belongs, namely, upon the person alleging insanity as a defense to prove such insanity. This proposal also has twice passed the House.

Title III provides, where probable cause exists, for the detention of persons for a maximum of 6 hours, for questioning in connection with violations of District laws, and for the securing of material witnesses for attendance at trial. Questioning of suspects is so well recognized and is such a necessary adjunct to the efforts of police in solving crimes and fairly charging individuals, that the practice requires no justification. Various cities throughout the country, by statute or by local practice, permit arrest without warrant, and persons may be held for reasonable periods, namely, from 2 hours to as much as 7 days, to permit complete interrogation and investigation thereupon. The police urgently request and need this authority.

Title IV includes "robbery" among "crimes of violence" listed in the District of Columbia Code.

Title V amends the code in eight sections and requires an imposition of minimum sentences in lieu of indeterminate sentences for the most serious felonies in the District of Columbia. The bill also increases the penalties in connection with bribery of persons to influence the results of an athletic contest. Also, the bill imposes additional penalties on persons convicted of crimes of violence with the use of arms.

Provisions dealing with the vicious traffic in indecent and obscene materials in the District are found in section 506. The section is drawn to meet all present Supreme Court requirements for safeguards to materials protected by the first amendment to the Constitution. Ex parte injunctive proceedings are not permitted. Radio and television are exempt from the application of the bill. Maximum penalties of $5,000 fine and imprisonment for 2 years are provided for producers and distributors of obscene matter.

It is my sincere opinion that the time is past due for the Members of Congress to make a decision as to whether they desire to curb crime in the Nation's Capital, or to use kid gloves in the treatment of criminals when innocent people are being yoked, raped, robbed, and killed on the streets of Washington.

PURPOSE OF THE BILL

The purpose of this bill is to do something about crime in the District of Columbia. Since 1957, the number of crimes committed in the District have increased almost 100 percent. The rate of increase substantially exceeds the national rate of increase. Current reports show that the crime rate is still increasing month by month, February 1965 being the 33d consecutive month of crime increase in Washington.

During the 87th and 88th Congresses, your committee favorably reported legislation dealing with the crime problem. In each of those Congresses, the House approved such legislation by overwhelming majorities. For the third consecutive Congress, your committee again reports such legislation.

The bill, H.R. 5688, reported herewith, is for the purpose of assisting the police, the prosecuting officials, and the courts to act promptly and effectively in the apprehension of and prosecution of criminals. No pretense is made that this bill is a panacea for all other problems related to crime. Except for some amendments and rephrasing, the bill is essentially the same in substance and text to H.R. 7525, the omnibus anticrime bill favorably reported by your committee in the 88th Congress and approved by a 2-to-1 vote in the House.

During the preceding two Congresses, your committee held repeated hearings, studied numerous reports, documents,

and recommendations, and received testimony from judges of the local courts, police officials, experts on crime and criminal law, prosecuting officials, District of Columbia officials, and from numerous organizations and individuals from the District of Columbia. Except for bringing up to date the statistics on crime, supplied hereafter in the text of this report, further public hearings and discussions could present little which had not been heard by your committee on at least two previous occasions.

Because of the directive in the Constitution that the Congress "exercise exclusive legislation in all cases whatsoever" in the District of Columbia, your committee is deeply conscious of the obligation of the Congress to take such action as it deems best designed to meet the crime problem in the city of Washington. This obligation runs to the law-abiding citizens of the District of Columbia and to the millions of people coming to Washington annually to visit the seat of the Federal Government which is the Capital City of all of the people in all of the States. With all of the current emphasis upon civil rights and the freedom of the individual, your committee believes that the Congress has an obligation to do that which is necessary to preserve equally to all citizens the safety of their persons and their property in their homes, places of business, and upon the public streets.

INTRODUCTION

The concern of your committee, and of the Congress, with lawbreakers and repeat offenders, is the same concern expressed by President Johnson in his recent message to Congress entitled "Law Enforcement and the Administration of Justice," wherein he stated:

> This active combat against crime calls for a fair and efficient system of law enforcement to deal with those who break our laws.

Particularly with regard to Washington, he stated:

> We must improve law enforcement and the administration of criminal justice in the District * * *. Both in its own right and as a model for other cities, Washington can and should be a focus for intensive efforts in crime prevention, the detection and prosecution of crimes, rehabilitation, and related activities.

While awaiting the appointment by the President of a commission to investigate and make recommendations, which your committee will welcome and be interested in considering, your committee submits that this bill provides some of the answers to some of the key questions which have been raised, and also is responsive in part to the above recommendations of the President, and to his urging that "We cannot postpone our responsibilities to act against crimes committed today."

It was in such vein that all witnesses before your committee in the last Congress agreed that most pressing, and of real urgency, was the need to take immediate, effective steps, legislatively and otherwise, to curb the incidence of crime in the Nation's Capital. In the light of the crime statistics reported herein, the need is even more pressing and more urgent for action now by the Congress.

THE OMNIBUS ANTICRIME BILL, H.R. 5688

The pending bill, H.R. 5688, is the outgrowth of hearings and actions taken by this committee and the House during two previous Congresses. As previously noted, extensive public hearings were held, and joint hearings between your committee and the Senate Committee on the District of Columbia preceded the action on crime legislation in the 88th Congress. Several separate bills dealing with different facets of the crime problem were introduced in the House and referred to the House District Committee. Following detailed hearings, the committee selected those measures deemed to be most helpful and most important, and combined them in a single anticrime measure which was favorably reported as H.R. 7525 and thereafter approved in the House. The pending bill, H.R. 5688, is identical to H.R. 7525 of the 88th Congress in titles I, II, IV, and all parts of title V with the exception of section 506. Title III has been the subject of minor amendments, and section 506 of title V has been redrafted and amended.

CRIME STATISTICS

The prevalence of crime in the District of Columbia is an ugly fact we cannot ignore. Efforts have been made by some to minimize the crime picture and to suggest that conditions are no worse in Washington than in many other cities. However, whether Washington ranks 1st or 10th in any particular category of crime—and it does in some categories—is of small comfort to the victims. Since this is the Nation's Capital, it will be hoped that Congress will respond to the President's message and make this a model city free of crime and set an example to the rest of the country.

Of greater concern to your committee is the uncontroverted continuing increase in the rate of crime in the District, an increase of 94 percent for Washington for the year 1964 over record low year of 1957.

Following are some very pertinent crime statistics presented to the committee at the hearings and since, which reveal the shocking truths about crime here and its steady increase, month by month, year by year.

Crime in the District of Columbia—High, low, and present

Classification	Calendar 1952 [1]	Fiscal 1957 [2]	Calendar 1964	Comparison of annual rates			
				Calendar year 1952, calendar year 1964		Fiscal year 1957, calendar year 1964	
				Amount	Percent	Amount	Percent
Criminal homicide	89	88	157	+68	+76.4	+69	+78.4
Rape	197	199	151	−46	−23.4	−48	−24.1
Robbery	1,396	944	3,365	+1,969	+141.0	+2,421	+256.5
Aggravated assault	4,608	2,555	2,595	−2,013	−43.7	+40	+1.6
Housebreaking	5,388	3,023	8,766	+3,378	+62.7	+5,743	+189.9
Larceny theft	11,149	7,141	9,970	−1,179	−10.6	+2,829	+39.6
Auto theft	1,778	1,843	5,656	+3,878	+218.1	+3,813	+206.9
Total, pt. I	24,605	15,793	30,660	+6,055	+24.6	+14,867	+94.1

[1] Calendar year 1952 was alltime high for crime in the District of Columbia until surpassed by 1964 figures.
[2] Fiscal year 1957 was alltime low for crime in the District of Columbia, under reporting system established in 1948.

Source: Issued by Metropolitan Police Department, Washington, D.C., Feb. 1, 1965.

Crime index trends [1]

[Percent change, 1964 over 1963, offenses known to the police]

Population group and area	Number of agencies	Population	Total	Murder	Forcible rape	Robbery	Aggravated assault	Burglary	Larceny, $50 and over	Auto theft
Total, all agencies	4,742	135,433,000	+13	+9	+19	+12	+18	+12	+13	+16
Total, cities 500,000 to 1,000,000	18	11,542,000	+13	+15	+18	+15	+16	+11	+12	+14
Washington, D.C.	1	763,956	+25	+39	+10	+34	−9	+28	+12	+56

[1] "Uniform Crime Reports," issued by J. Edgar Hoover, Director, Federal Bureau of Investigation, released Mar. 10, 1965.

For 1964, the FBI reports summarized above in "Crime index trends" present the regrettable showing that whereas for the year 1964, crime in volume was 13 percent greater for the whole country than for the year 1963, in the District of Columbia the increase, as stated, was 25 percent in the same period, far ahead of other cities of comparable size. Also, in the District there has been a very substantial increase in all categories of crime excepting aggravated assault which showed a decrease.

WASHINGTON COMPARED WITH OTHER CITIES

In terms of current, nationwide crime rates, the District compares favorably with other cities of comparable size. FBI statistics just released for 1964 show that for 16 cities in the 500,000 to 1 million population class, as indicated in the tabulation below, Washington ranks fourth in rate of crime index offenses per 1,000 population.

In the various categories of crime index offenses during 1964, the District, as shown in the next tabulation, ranked as follows among such cities:

First in aggravated assault—assault with a dangerous weapon.

First in robbery.

Second in murder and nonnegligent manslaughter.

Fifth in housebreaking.

Sixth in auto theft.

Tenth in forcible rape.

Tenth in larceny.

Crime index offenses—Calendar year 1964 [1]

[Cities 500,000 to 1,000,000 population]

City	Population, 1960 census	Total offenses	Murder	Rape	Robbery	Aggravated assault	Housebreaking	Larceny, $50 and over	Auto theft
Baltimore	939,024	18,245	144	147	1,385	2,595	4,793	5,007	4,174
Boston	697,197	19,011	52	84	858	884	4,582	2,349	10,202
Buffalo	532,759	9,798	21	42	379	347	4,096	2,208	2,705
Cincinnati	502,550	6,871	38	113	457	702	2,764	1,709	1,088
Cleveland	876,050	17,254	116	106	1,691	1,088	8,739	1,042	4,472
Dallas	679,684	12,852	149	114	664	930	5,634	1,573	3,788
Houston	938,219	27,787	137	236	1,437	2,499	13,995	4,973	4,510
Milwaukee	741,324	9,965	29	51	245	442	2,324	3,938	2,936
New Orleans	627,525	19,626	82	152	1,289	1,074	6,970	4,455	5,604
Pittsburgh	604,332	16,556	41	139	1,132	759	5,777	3,427	5,281
St. Louis	750,026	26,692	120	249	2,202	2,054	13,463	2,767	5,837
San Antonio	587,718	14,697	57	78	339	1,036	6,843	4,320	2,024
San Diego	573,224	9,859	17	52	419	447	3,073	4,089	1,762
San Francisco	740,316	24,303	51	93	1,708	1,653	9,974	3,663	7,161
Seattle	557,087	11,718	23	72	491	328	4,932	3,983	1,889
Washington, D.C.	763,956	22,932	132	96	2,279	2,605	8,910	3,518	5,392
Rank order, Washington:									
Actual number		4th	4th	9th	1st	1st	4th	9th	5th
Rate per 1,000 population		4th	2d	10th	1st	1st	5th	10th	6th

[1] Based on "Uniform Crime Reports"—1964 preliminary annual release—issued by the Federal Bureau of Investigation, Mar. 10, 1965.

Mr. WHITENER. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, as we come to the conclusion of the general debate I take this opportunity to express my appreciation to those who have participated in the debate, whatever point of view they expressed.

I, like the gentleman from Oklahoma [Mr. BELCHER], regret that the Members who oppose the legislation have not in the debate pointed out wherein it is bad and in what specific way this bill contains language which should be stricken out.

Mr. Chairman, at the outset of the debate I urged that Members make suggestions as to how we could improve the bill, because we are interested in bringing about any available improvement in the situation which now exists in the District of Columbia.

It seems to me, Mr. Chairman, however we may feel about this legislation, we are faced here with a proposition of taking a position either for good law enforcement or for continuing an unwholesome situation which now exists in the District of Columbia. I say that the good people of this area and the good people of the Nation, without regard to race, color, creed, or religion feel that it is time something be done to stop this continual increase in crime. Crime has increased between 1960 and 1964, as we know from the statistics at hand, at a time when the estimates on population indicate that we have lost 40,000 residents in the District of Columbia since 1960.

Mr. Chairman, being sociological in one's view is one thing, and going along with the ravings and the rantings of those dreamers who sometimes take a typewriter or a pen in hand downtown in one of the newspapers, is one thing, but trying to do something for your country is another.

No one has said that this legislation would in any way bring about more crime. There are many responsible Members of this House who contend it will reduce crime. As we come to vote on this bill we are going to have to take a position that we believe this crime problem should be attacked and not patted on the shoulder, saying "go merrily on your way."

Mr. NELSEN. Mr. Chairman, I have no further request for time. I would like however to relate a little experience of mine. Not long ago, and not over 12 blocks from the Nation's Capitol, I stopped in a little store. An officer came to me and said, "You better lock the door of your car. I see you have a suit hanging in the back seat. If you don't it may not be there when you come back." This was in broad daylight only a few blocks from the Nation's Capitol.

I urge the Members of this body to take into account prevailing incidents like this.

I believe we should pass this bill today.

Mr. ANNUNZIO. Mr. Chariman, I rise to oppose H.R. 5688, the omnibus District of Columbia crime bill and to support its recommittal to the House District Committee until such time as the President's Commission on District of Columbia Crime has submitted its report and suggestions for legislation.

Throughout the years Americans have fought to see the establishment of a judicial system that would protect the rights of the individual while coping effectively with criminal elements in our society. The proposed legislation might well make it possible for confessions to be extracted from prisoners more easily and for convictions to be obtained more easily, but it would do so at the price of the very individual liberties we have been striving so long and hard to preserve. I submit that this price is too high to pay.

In his March 8 message on crime, President Johnson cited the need to provide legislation that would create programs of education for local and State officials so that they might understand the meaning and purpose of court rulings that protect individual liberties in criminal proceedings. I think it at least should be said that the Congress of the United States understands these liberties.

The President, in the same message, took cognizance of the fact that there was an increasing crime rate in the District of Columbia. He sought a Commission to study the crime situation in the District, and means to bring about its solution. We, of Congress, can at least wait for the results of the President's Commission before we act in haste on a series of proposals with such great opposition in the District of Columbia itself.

The Government and the people of the United States have a right to expect a low crime rate in the Capital City. But they also have the right to expect a legal system that is a model for the protection of the rights of the innocent. The bill before us today can and will not do the job and as such should be recommitted or defeated.

Mr. PELLY. Mr. Chairman, regarding this omnibus District of Columbia anticrime bill, I think we should bend over backwards to protect the rights of those accused of committing a crime. But we should not as a society fall over backwards to let the guilty go scot-free.

The crime situation in the Nation's Capital is atrocious and I believe the board of trade and the newspaper are in a conspiracy to play down the truth. At least I have heard of crimes committed or attempted in the area where I live and no reports of them appear in the papers.

When a thief broke into my next door neighbor's house, the police said frankly they were helpless in trying to apprehend the thief. They said they could not bring back a suspect for identification unless the suspect voluntarily agreed to come.

I never read an editorial with such an unbridled attack on proposed legislation as the one in the Washington Post this morning.

Yet in the same edition of the paper was an article quoting Chief Justice John C. Bell, Jr., of Pennsylvania's Supreme Court as saying that criminals are being given greater and greater rights and law-abiding citizens less and less protection.

Mr. Chairman, last week the police were warning women in the park across from my home, on account of a woman being attacked there a few days before.

As far as I can tell there is no such thing as protection in any section of this city. If a criminal is apprehended 9 times out of 10 he gets off.

I am for protection and giving the police sufficient laws and rules so they can obtain convictions of the guilty. So I intend to support H.R. 5688 although some colleagues who I respect highly do not agree.

Mr. RYAN. Mr. Chairman, in H.R. 5688, the omnibus crime bill, we are faced with a piece of legislation which runs roughshod over constitutionally guaranteed rights. Ignoring the conditions causing crime, the report of the majority of the Committee on the District of Columbia concentrates on heavy-handed techniques to control overt criminal acts. Of course, crime is a major problem; of course, it must be confronted at both the level of its social causation and the level of its overt manifestation. However, the foundation of due process of law upon which our entire legal system is based must not be sacrificed. The proponents claim that

a lower crime rate will result, but nothing in H.R. 5688 will affect the crime rate which grows out of deep social roots.

The U.S. Supreme Court made a telling point in *Escobido* v. *Illinois* (378 U.S. 478, 490, 1964):

> If the exercise of constitutional rights will thwart the effectiveness of a system of law enforcement then there is something very wrong with that system.

The minority report on this bill sets forth the explicit unconstitutionality of four titles of H.R. 5688.

Title I says, in part:

> Statements and confessions otherwise admissible, shall not be inadmissible solely because of delay in taking an arrested person before a commissioner or other officer empowered to commit persons charged with offenses against the United States.

This proposes to overthrow the McNabb-Mallory rule and severely restrict the safeguards in rule 5(a) of the Federal Rules of Criminal Procedure. Title I violates the spirit of the fifth amendment which provides for due process.

Title II deals with criminal insanity with little more intelligence, flexibility, and understanding than was evidenced by those who used to try to exercise the demons inside the insane. The District of Columbia Federal courts have evolved to a point where the Durham rule, as modified by the McDonald case, makes a reasonable attempt at understanding and dealing with the criminally insane. The Durham rule provides:

> A person is not criminally responsible if his unlawful act was the product of mental disease or defect.

The McDonald case modifies this so that the mental disease or defect is one which impairs behavior control. The omnibus crime bill disregards the whole development in the behavioral sciences over the last half century showing that a person may intellectually "know" one thing and yet be driven emotionally to do another.

Mr. Chairman, title III allows police to detain a person for 6 hours on "suspicion"—in short, it permits investigative arrests. To circumvent prohibitions on investigative arrests, H.R. 5688 provides that the 6-hour detention is not to be considered an arrest—despite all commonsense, backed by the findings in *Coleman* v. *U.S.* (295 F. 2d 555, D.C. Cir. 1961) and *Kelly* v. *U.S.* (298 F. 2d 310, D.C. Cir. 1961) that any "restraint of the right of locomotion" is an arrest. This title is an affront to the guarantees secured by the Bill of Rights.

In title V the first amendment guarantee of freedom of the press is seriously undermined. This title permits prior censorship. One of the landmarks in the evolution of constitutional guarantees is *Near* v. *Minnesota* (283 U.S. 697, 1931) in which the Supreme Court ruled prior censorship unconstitutional.

Mr. Chairman, due process of law refers not to narrow and specific procedural points but to the whole fabric of common law. Due process has been weaved from threads as old as the Magna Carta and as durable as the Constitution and the Bill of Rights. The result is a magnificent fabric, with threads so closely woven that there can be no fraying around the edges—the loosening of one thread distorts the whole. The omnibus crime bill proposes to unravel the threads and should be defeated.

Mr. Chairman, the debate today again illustrates the need for home rule for the District of Columbia. There has been too much delay. The time for action is at hand.

The CHAIRMAN. All time has expired. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

SEC. 101. (a) In the courts of the District of Columbia, evidence, including, but not limited to, statements and confessions, otherwise admissible, shall not be inadmissible solely because of delay in taking an arrested person before a commissioner or other officer empowered to commit persons charged with offenses against the laws of the United States.

(b) No statement, including a confession, made by any person during an interrogation by a law-enforcement officer made while such person is under arrest shall be admissible unless prior to such interrogation the arrested person had been advised that he is not required to make a statement and that any statement made by him may be used against him.

TITLE II

SEC. 201. Section 927 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901, as amended (D.C. Code, sec. 24–301 and the following), is amended to read as follows:

"§ 927. Insane criminals

"(a) Mental disease or defect excluding responsibility; sociopathic and psychopathic personality is not disease or defect:

"(1) A person is not responsible for criminal conduct if at the time of such conduct as a result of mental disease or defect he lacks substantial capacity either to know or appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law.

"(2) The terms 'mental disease or defect' do not include an abnormality manifested only by repeated criminal or otherwise antisocial conduct.

"(b) Evidence of mental disease or defect admissible when relevant to element of the offense:

"(1) Evidence that the defendant in a criminal proceeding suffered from a mental disease or defect shall be admissible whenever it is relevant to prove that the defendant did or did not have a state of mind which is an element of the offense.

"(c) Mental disease or defect excluding responsibility is affirmative defense; requirement of notice; form of verdict:

"(1) Mental disease or defect excluding responsibility is an affirmative defense which the defendant must establish by showing of substantial evidence.

"(2) Evidence of mental disease or defect excluding responsibility shall not be admissible unless the defendant, at the time of entering his plea of not guilty or within fifteen days thereafter or at such later time as the court may for good cause permit, files with the court and the prosecution written notice of his purpose to rely on such defense.

"(3) When the defendant is acquitted on the ground of mental disease or defect excluding responsibility, the verdict and the judgment shall so state.

"(d) Mental disease or defect excluding fitness to proceed:

"(1) No person who as a result of mental disease or defect lacks capacity to understand the proceedings against him or to assist in his own defense shall be tried or sentenced for the commission of an offense so long as such incapacity endures.

"(e) Psychiatric examination of defendant with respect to mental disease or defect excluding responsibility or fitness to proceed:

"(1) Whenever the defendant has filed a notice of intention to rely on the defense of mental disease or defect excluding responsibility supported by prima facie evidence submitted to the court or there is substantial reason to doubt his fitness or capacity to proceed, or substantial reason to believe that mental disease or defect of the defendant will otherwise become an issue in the case, the court shall appoint at least one qualified psychiatrist or shall request the Superintendent of the District of Columbia General Hospital or the Superintendent of Saint Elizabeths Hospital or the superintendent of any other appropriate institution to designate at least one qualified psychiatrist, which designation may be or include the superintendent of such hospital, to examine and report upon the mental condition of the defendant. The court may order the defendant committed to a hospital or other suitable facility for the purpose of examination for such reasonable period as the court may determine to be necessary for the purpose of such examination and report. The court's power to so commit a defendant shall exist, notwithstanding the fact that the defendant has been at large on bond or bail.

"(2) In such examination any method may be employed which is accepted by the medical profession for the examination of those thought to be suffering from mental disease or defect.

"(3) The report of the examination shall include the following:

"(A) A description of the nature of the examination;

"(B) A diagnosis of the mental condition of the defendant;

"(C) If the report concludes that defendant suffers from a mental disease or defect, an opinion as to his capacity to understand the proceedings against him and to assist in his own defense;

"(D) When a notice of intention to rely on the defense of irresponsibility has been filed, an opinion as to the extent, if any, to which the capacity of the defendant to know or appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law was impaired at the time of the criminal conduct charged;

"(E) If the examination cannot be conducted by reason of the unwillingness of the defendant to participate therein, the report shall so state and shall include, if possible, an opinion as to whether such unwillingness of the defendant was the result of mental disease or defect; and

"(F) The report of the examination shall be filed in triplicate with the clerk of the court who shall cause copies to be delivered to the prosecution and to defense counsel.

"(f) Determination of fitness to proceed; effect of finding of unfitness; proceedings if fitness is regained:

"(1) When the defendant's mental fitness to proceed is drawn in question, the issue of such fitness shall be determined by the court. If neither the prosecution nor counsel for the defendant contests the finding of the report filed pursuant to subsection (e), the court may make the determination on the basis of such report. If the finding is contested, the court shall hold a hearing on the issue without a jury. If the report is received in evidence upon such hearing the parties who contested the finding thereof shall have the right to summon and cross-examine the psychiatrists who joined in the report and to offer evidence upon the issue. If the court determines that the defendant possesses fitness to proceed to trial, that is, that the defendant has the capacity to understand

the proceedings against him and to assist in his own defense, the court shall order the defendant to stand trial within a reasonable time.

"(2) If the court determines at any stage of the proceedings that the defendant lacks mental fitness to proceed, the proceeding against him shall be suspended, pending trial in the future, and the court shall commit the defendant to an appropriate hospital or institution for so long as such unfitness shall endure. Such suspension of proceedings shall not cause jeopardy to attach barring subsequent trial. Whenever the defendant who has been committed to such hospital or other institution is restored to mental fitness in the opinion of the superintendent of such hospital or institution, such superintendent shall certify such fact to the clerk of the court in which the charge against the defendant is pending and the clerk of that court shall furnish copies of said certificate to the parties to the cause.

"(3) After the court receives the certificate of such superintendent that the defendant has regained mental fitness to proceed and the court determines that the defendant has regained such fitness to proceed, the trial proceedings shall be resumed or commenced within a reasonable time. Such determination of fitness may be made by the court on the basis of such certificate that the defendant has regained fitness to proceed provided neither the Government nor counsel for the defendant contests the findings that the defendant has regained such fitness to proceed. If the finding that the defendant has regained fitness to proceed is contested, the court shall hold a hearing without a jury on the issue and shall determine such fitness to proceed.

"(4) If, however, the court is of the opinion that so much time has elapsed since the commitment of the defendant (to determine fitness to proceed) that it would be unjust to resume the criminal proceedings, the court may dismiss the charge and may order the defendant committed for examination and determination of status by the Mental Health Commission under the provisions of applicable law.

"(g) Determination of irresponsibility on basis of report; access to defendant by psychiatrists of own choice; form an expert testimony:

"(1) If the report filed pursuant to subsection (e) finds that the defendant at the time of the criminal conduct charged suffered from a mental disease or defect which substantially impaired his capacity to appreciate the criminality of his conduct or to conform his conduct to the requirements of law, and the court is satisfied that such impairment was sufficient to exclude responsibility, the court shall enter judgment of acquittal on the ground of mental disease or defect excluding responsibility.

"(2) When, notwithstanding the report filed pursuant to subsection (e), the defendant wishes to be examined by qualified psychiatrists of his own choice, such psychiatrists shall be permitted to have reasonable access to the defendant for the purposes of such examination.

"(3) Upon the trial, the psychiatrists who filed reports pursuant to subsection (e) may be called as witnesses by the prosecution, the defendant, or the court. If called by the court, such witnesses shall be subject to cross-examination by the prosecution and by the defendant. Both the prosecution and the defendant may summon any other qualified psychiatrist to testify but no one who has not examined the defendant shall be competent to testify to his opinion as a psychiatrist with respect to the mental condition or responsibility of the defendant.

"(4) When a psychiatrist who has examined the defendant testifies concerning his mental condition, the witness shall be permitted to make a statement as to the nature of his examination, and his diagnosis of the mental condition of the defendant at the time of the commission of the offense charged. Such psychiatrist shall be permitted to make any explanation reasonably serving to clarify his diagnosis and opinion and may be cross-examined as to any matter bearing on his competency or credibility or the validity of his diagnosis or opinion.

"(5) Nothing herein shall exclude the prosecution from causing an examination of the defendant to be made to determine whether or not he had the capacity either to know or appreciate the wrongfulness of his conduct, to conform his conduct to the requirements of law or to understand the proceedings against him and assist in his own defense, provided the prosecution makes available to a defendant or his counsel the results of such examination.

"(h) Legal effect of acquittal on the ground of mental disease or defect excluding responsibility; commitment; release or discharge:

"(1) When a defendant is acquitted on the ground of mental disease or defect excluding responsibility, the court shall order him to be committed to a hospital having facilities for the custody and care of the mentally ill.

"(2) If the superintendent of such hospital is of the view that a person committed to his custody pursuant to paragraph (1) of this subsection is no longer suffering from mental illness and may be discharged or released on probation without danger to himself or to others, he shall make application for the discharge or release of such person in a report to the court by which such person was committed and shall transmit a copy of such application and report to the prosecution and defense counsel. The court shall thereupon appoint at least two qualified psychiatrists to examine such person and to report within sixty days, or such longer period as the court determines to be necessary for the purpose, their opinion as to his mental condition. To facilitate such examination, and the proceedings thereon, the court may cause such person to be confined in any institution which is suitable for the temporary detention of irresponsible persons.

"(3) If the court is satisfied by the report filed pursuant to paragraph (2) of this subsection and the testimony of the psychiatrists making such report, if the court deems it advisable to hear their testimony, that the committed person may be discharged or released on probation without danger to himself or others, the court shall order his discharge or release upon probation, on such conditions as the court determines to be necessary. If the court is not so satisfied, it shall promptly order a hearing to determine whether such person may safely be discharged or released. Any such hearing shall be deemed a civil proceeding and the burden shall be upon the committed person to prove that he may safely be discharged or released. According to the determination of the court upon the hearing, the committed person shall thereupon be discharged or released on probation on such conditions as the court determines to be necessary, or shall be recommitted to the custody of such hospital subject to discharge or release only in accordance with the procedure prescribed above for a first hearing.

"(4) If after the release on probation of a committed person, the court shall determine, after notice and hearing, that the conditions of probation have been violated and that for the safety of such person or the safety of others his probation should be revoked, the court shall forthwith order him recommitted to a hospital having facilities for the custody, care, and treatment of the mentally ill subject to discharge or release only in accordance with the procedure prescribed above for a first hearing.

"(5) A committed person may make application for his discharge or release to the court by which he was committed and the procedure to be followed upon such application shall be the same as that prescribed above in the case of an application by the superintendent of such hospital. However, no such application by a committed person need be considered until he has been confined for a period of not less than six months from the date of the order of commitment, and if the determination of the court be adverse to the application, such person shall not be permitted to file a further application until one year has elapsed from the date of any preceding hearing on an application for his release or discharge.

"(i) Jury not to be told of consequence of verdict:

"(1) The jury shall not be told by the court or counsel for the Government or the defendant at any time regarding the consequences of a verdict of not guilty or acquittal by reason of insanity.

"(j) Availability of habeas corpus:

"(1) Nothing herein contained shall preclude a person confined under the authority of this Act from establishing his eligibility for release by a writ of habeas corpus.

"(k) Courts concerned:

"(1) This section shall apply only to proceedings brought by information or indictment in the United States District Court for the District of Columbia, and the District of Columbia Court of General Sessions, and to proceedings brought to juvenile court in the District of Columbia.

"(l) Severability:

"(1) The invalidity of any portion of this section shall not affect the validity of any other portion thereof which can be given effect without such invalid part."

SEC. 202. Nothing contained in the amendment made by section 201 of this title shall be deemed to alter, amend, or repeal section 928 or section 929(b) of such Act of March 3, 1901, as amended, or the Act entitled "An Act relating to the testimony of physicians in the courts of the District of Columbia", received by the President May 13, 1896 (29 Stat. 138; D.C. Code, sec. 14–308).

SEC. 203. Subsection (a) of section 929 of such Act of March 3, 1901, as amended (D.C. Code, sec. 24–303(a)), is hereby repealed.

TITLE III

SEC. 301. (a) An officer or member of the Metropolitan Police force of the District of Columbia may detain any person abroad whom he has probable cause to believe is committing, has committed or is about to commit a crime, and may demand of him his name, address, business abroad, and whither he is going.

(b) Any person so questioned who fails to identify himself or explain his action to the satisfaction of the officer or member (as the case may be) may be detained and further interrogated.

(c) The total period of detention provided for by this section shall not exceed six hours. Such detention shall not be recorded as an arrest in any official record. At the end of the detention the person so detained shall be released or be arrested and charged with a crime.

SEC. 302. Section 401, the Revised Statutes of the United States, relating to the District of Columbia (D.C. Code, sec. 4–144), is amended to read as follows:

"SEC. 401. (a) Whenever there is reasonable ground to believe that any person may be a material witness to the commission of any felony or attempt to commit any felony, and that there is a reasonable probability that such person will not be available as a witness during the investigation of such offense by the Metropolitan Police, or when a suspect is arrested or tried therefor, such person may be required by a judge of the United States District Court for the District

of Columbia or of the District of Columbia Court of General Sessions, or by a United States Commissioner to post bond or deposit collateral to secure his appearance as such witness during the investigation of such felony or attempt or the trial of such suspect. Such person may be detained by the Metropolitan Police, pending the posting or bond or collateral, in a room specially provided for witnesses, separate and apart from the quarters provided for those charged with crime, and in any event he shall be presented before a judge or commissioner within six hours of the beginning of such detention, and the judge or commissioner shall then require him to post bond or collateral, or discharge him. Such detention shall not constitute an arrest within the meaning of that term as used in any other law.

"(b) The Board of Commissioners shall provide suitable accommodations within the District of Columbia for the detention of witnesses who are unable to furnish security for their appearance in criminal proceedings. Such accommodations shall be in premises other than those used for the confinement of persons charged with crimes."

TITLE IV

SEC. 401. The definition of "crime of violence" contained in section 1 of the Act entitled "An Act to control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes", approved July 8, 1932 (D.C. Code, sec. 22-3201), is amended by inserting immediately after "burglary," the following: "robbery,".

TITLE V

SEC. 501. Section 803 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (31 Stat. 1321; D.C. Code, sec. 22-501), is amended by inserting immediately after "for not" the following: "less than two years or".

SEC. 502. (a) Section 823 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (31 Stat. 1323; D.C. Code, sec. 22-1801), is amended to read as follows:

"SEC. 823. BURGLARY.—(a) Whoever shall, either in the nighttime or in the daytime, break and enter, or enter without breaking, any dwelling, or room used as a sleeping apartment in any building, with intent to break or carry away any part thereof, or any fixture or other thing attached to or connected thereto or to commit any criminal offense, shall, if any person is in the actual occupation of any part of such dwelling or sleeping apartment at the time of such breaking and entering, or entering without breaking, be guilty of burglary in the first degree. Burglary in the first degree shall be punished by imprisonment for not less than twenty years nor more than life imprisonment, and, notwithstanding any other provision of law, any person who violates this subsection and upon whom a sentence of life imprisonment is imposed shall be eligible for parole only after the expiration of twenty years from the date he commences to serve his sentence.

"(b) Except as provided in subsection (a) of this section, whoever shall, either in the night or in the daytime, break and enter, or enter without breaking, any dwelling, bank, store, warehouse, shop, stable, or other building, or any apartment or room whether at the time occupied or not, or any steamboat, canal boat, vessel, or other watercraft, or railroad car, or any yard where any lumber, coal, or other goods or chattels are deposited and kept for the purpose of trade, with intent to break and carry away any part thereof or any fixture or other thing attached to or connected with the same, or to commit any criminal offense, shall be guilty of burglary in the second degree. Burglary in the second degree shall be punished by imprisonment for not less than five years nor more than fifteen years."

(b) Any person tried before the effective date of this Act for violation of section 823 of such Act approved March 3, 1901, and who is before a court for the purpose of sentence or resentence, shall be sentenced in accordance with the law in effect before the effective date of this Act.

SEC. 503. Section 810 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (31 Stat. 1322; D.C. Code, sec. 22-2901), is amended by striking out "six months" and inserting in lieu thereof "five years".

SEC. 504. Section 869e of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (D.C. Code, sec. 22-1513), is amended to read as follows:

"SEC. 869e. CORRUPT INFLUENCE IN CONNECTION WITH ATHLETIC CONTESTS.—(a) If any person shall bribe or offer to bribe or shall aid, advise, or abet in any way another in such bribe or offer to bribe, any player or participant in any athletic contest with intent to influence his play, action, or conduct and for the purpose of inducing the player or participant to lose or try to lose or cause to be lost such athletic contest or to limit or try to limit the margin of victory or defeat in such contest; or if any person shall bribe or offer to bribe or shall aid, advise, or abet in any way another in such bribe or offer to bribe, any referee, umpire, manager, coach, or any other official of an athletic club or team, league, association, institution, or conference, by whatever name called connected with such athletic contest with intent to influence his decision or bias his opinion or judgment for the purpose of losing or trying to lose or causing to be lost such athletic contest or of limiting or trying to limit the margin of victory or defeat in such contest, such person shall be imprisoned not less than one nor more than ten years, and shall be fined not less than $3,000, nor more than $10,000.

"(b) If any player or participant in any athletic contest shall accept, or agree to accept, a bribe given for the purpose of inducing the player or participant to lose or try to lose or cause to be lost or to limit or try to limit the margin of victory or defeat in such contest; or if any referee, umpire, manager, coach, or any other official of an athletic club, team, league, association, institution, or conference connected with an athletic contest shall accept or agree to acept a bribe given with the intent to influence his decision or bias his opinion or judgment and for the purpose of losing or trying to lose or causing to be lost such athletic contest or of limiting or trying to limit the margin of victory or defeat in such contest, such person shall be imprisoned not less than one nor more than ten years, or fined, or both.

"(c) To violate subsection (a) or (b) of this section, it shall not be necessary that the player, manager, coach, referee, umpire, or official shall, at the time, have been actually employed, selected, or appointed to perform his respective duties; it shall be sufficient if the bribe be offered, accepted, or agreed to with the view of probable employment, selection, or appointment of the person to whom the bribe is offered or by whom it is accepted. It shall not be necessary that such player, referee, umpire, manager, coach, or other official actually play or participate in an athletic contest, concerning which such bribe is offered or accepted; it shall be sufficient if the bribe be given, offered, or accepted in view of his or their possibly participating therein.

"(d) As used in this section, the term 'bribe' means any gift, emolument, money or thing of value, testimonial, privilege, appointment or personal advantage, or the promise thereof, bestowed or promised for the purpose of influencing directly or indirectly, any player, referee, manager, coach, umpire, club or league official, in connection with any athletic contest with respect to which an admission fee may be charged, or in connection with any athletic contest with respect to which any player, manager, coach, umpire, referee, or other official is paid any compensation for his services. A bribe need not be direct; it may be such as is hidden under the semblance of a sale, bet, wager, payment of a debt, or in any other manner designed to cover the true intention of the parties.

"(e) If any player or participant shall commit any willful act of omission or commission, in playing of an athletic contest, with intent to lose or try to lose or to cause to be lost or to limit or try to limit the margin of victory or defeat in such contest for the purpose of material gain to himself, or if any referee, umpire, manager, coach, or other official of an athletic club, team, league, association, institution, or conference connected with an athletic contest shall commit any willful act of omission or commission connected with his official duties with intent to try to lose or to cause to be lost or to limit or try to limit the margin of victory or defeat in such contest for the purpose of material gain to himself, such person shall be imprisoned not less than one nor more than ten years, or fined, or both.

"(f) Nothing in this section shall be construed to prohibit the giving or offering of any bonus or extra compensation to any manager, coach, or professional player, or to any league, association, or conference for the purpose of encouraging such manager, coach, or player to a higher degree of skill, ability, or diligence in the performance of his duties."

SEC. 505. Section 2 of the Act entitled "An Act to control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes", approved July 8, 1932 (47 Stat. 650; D.C. Code, sec. 22-3202), is amended by striking out "he may" at each of the four places it appears therein and inserting in lieu thereof at each such place "he shall"; and by adding at the end thereof the following: "If a person is convicted of having committed a crime of violence in the District of Columbia when armed with or having readily available any pistol or other firearm, then, notwithstanding any other provision of law, the court shall not suspend his sentence or give him a probationary sentence."

SEC. 506. Section 872 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (D.C. Code, sec. 22-2001), is amended to read as follows:

"SEC. 872. INDECENT PUBLICATIONS.—(a) Whoever, with knowledge of the obscene character of the material, sells, or offers to sell, or give away, in the District, or has in his possession with the intent to sell, or give away or to exhibit to another, any obscene, lewd, or indecent book, pamphlet, drawing, engraving, picture photograph, instrument, magazine, story, paper, writing, card, print, motion picture film, image, cast, slide, figure, statue, phonograph record, wire, tape, or other sound recording, or other presentation or articles of indecent or immoral use, or advertises the same for sale, or writes or prints any letter, circular, handbill, book, pamphlet, or notice of any kind stating by what means any such articles may be obtained, or advertises any drug, nostrum, or instrument intended to produce abortion, or otherwise participates in, or by bill, poster, or otherwise advertises, any public exhibition show, performance, or play offending the public decency, shall be fined not less than $200 nor more than $5,000, or imprisoned not less

than three months, nor more than two years, or both.

"(b) Whoever in the District acts in, poses for, models for, prints, records, composes, edits, writes, publishes, or offers to publish, or produces or participates in the production of any obscene, lewd, or indecent book, pamphlet, drawing, engraving, picture, photograph instrument, magazine, story, paper, writing, card, print, motion picture film, image, cast, slide, figure, statue, phonograph record, wire, tape, or other sound recording, or other presentation or article of indecent or immoral use, or advertises the same for sale, or writes or prints any letter, circular, handbill, book, pamphlet, or notice of any kind stating by what means any such articles may be obtained, with knowledge that the same is obscene and is for the purpose of being sold, given away, or exhibited to another, shall be fined not less than $200 nor more than $5,000 or imprisoned not less than three months nor more than two years, or both.

"(c) The United States attorney for the District of Columbia is authorized to petition the United States District Court for the District of Columbia for a preliminary injunction and a permanent injunction to restrain the sale, gift, exhibition, distribution, production, disposition, or removal of any obscene, lewd, or indecent matter described in subsection (a) or (b) of this section and to restrain the use of any real or personal property for such purpose. A hearing on the petition for the preliminary injunction shall be had not more than five days, excluding Sundays and holidays, after service upon the defendant of a copy of the petition.

"(d) After the hearing provided in subsection (c) of this section the said court may issue a preliminary injunction which will remain in effect until final determination of the petition for the permanent injunction, but not more than thirty calendar days from the issuance of the preliminary injunction.

"(e) If, after a trial of the issues, the court shall order a permanent injunction, such injunction shall require the immediate seizure and impoundment of the obscene, lewd, or indecent matter, and forbid its reproduction or duplication and require the destruction of such matter so impounded, but in no event shall such matter be destroyed until after the expiration of the period during which an appeal may be taken or, if an appeal is taken, during the pendence of such appeal. Such injunction shall also permanently enjoin the use of the real property for the purpose of violating this section. In such trial, the determination of all issues of fact shall be by jury if either party demands it.

"(f) Other than obscene matter, any personal property knowingly used or knowingly permitted to be used in connection with activity known to be of an obscene, indecent, or lewd character and prohibited by subsections (a), (b), and (c) of this section, subject to a preliminary injunction issued under subsection (d) of this section shall, if a permanent injunction is issued under subsection (e) of this section, in the discretion of the court, be forfeited to the District of Columbia, and sold at public auction, the proceeds from such sale to be deposited in the Treasury to the credit of the District of Columbia. Such forfeiture in the discretion of the court shall be on the basis of the court's determination as to the seriousness of the offense in relation to the penalty resulting from such forfeiture or as to the desirability of requiring such forfeiture in order to prevent the futher or continued use of such property in connection with any activity known to be of an obscene, indecent, or lewd character and prohibited by subsections (a), (b), and (c) of this section. If any item of such property is not purchased at such auction it shall be disposed of in accordance with regulations prescribed by the Commissioners. If any property is subject to a lien which is established to the satisfaction of the court as having been created without the lienor's having any notice that such property was to be used in connection with the violation of this section, such lien shall be transferred from the property to the proceeds of any sale or other disposition thereof made under authority of this subsection.

"(g) For the purpose of obtaining a preliminary or permanent injunction under subsection (c), (d), or (e) of this section, it shall not be necessary for the United States attorney to allege or prove that an adequate remedy at law does not exist or that substantial and irreparable damage would result from the violations alleged.

"(h) Proceedings pursuant to subsections (c), (d), and (e) of this section shall be governed by the Federal Rules of Civil Procedure, except as they may be inconsistent with the provisions and purposes of this section.

"(i) Nothing in this section shall apply to a licensee under the Communications Act of 1934, as amended, while engaged in activities regulated pursuant to such Act."

SEC. 507. Section 825a of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (D.C. Code, sec. 22-3105), is amended by striking out "or by imprisonment not exceeding ten years." and inserting in lieu thereof the following: "and by imprisonment for not less than five years or more than ten years."

SEC. 508. Whoever shall make or cause to be made to the Metropolitan Police Department of the District of Columbia, or to any officer or member thereof, a false or fictitious report of the commission of any criminal offense within the District of Columbia, or a false or fictitious report of any other matter or occurrence of which such Metropolitan Police Department is required to receive reports, or in connection with which such Metropolitan Police Department is required to conduct an investigation, knowing such report to be false or fictitious; or who shall communicate or cause to be communicated to such Metropolitan Police Department, or any officer or member thereof, any false information concerning the commission of any criminal offense within the District of Columbia or concerning any other matter or occurrence of which such Metropolitan Police Department is required to receive reports, or in connection with which such Metropolitan Police Department is required to conduct an investigation, knowing such information to be false, shall be punished by a fine not exceeding $100 or by imprisonment not exceeding six months, or both.

Mr. WHITENER (interrupting reading of the bill). Mr. Chairman, I ask unanimous consent that the reading of the bill be dispensed with, and that it be open for amendment at any point.

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

There was no objection.

AMENDMENT OFFERED BY MR. WHITENER

Mr. WHITENER. Mr. Chairman, I offer a committee amendment to correct a technical mistake in the printing of the bill.

The Clerk read as follows:

Amendment offered by Mr. WHITENER: On page 24, line 13, strike out the quotation marks.

The amendment was agreed to.

Mr. MULTER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, we have heard representations that this bill has been considered by our committee at hearings. I think what was meant when that was said is that the subject matter of this legislation was before the joint committee and was before the subcommittee and before the full committee when there were hearings before those committees. But, Mr. Chairman, the subject matter of the legislation is not this bill. I repeat—this bill was never considered by the joint committee. When the joint committee hearings were held, there were no bills of any kind pending and they considered no specific bill or bills.

After the subcommittee in the last Congress got through with its hearings on the subject matter, for the first time a bill was introduced which became the bill that was brought to the floor of the House.

This bill before you now, H.R. 5688, is not that bill. It is a different bill. There have been no hearings on this bill at any time or place.

Let me point out to you again, if I did not make it clear before, that if you were opposed to sending juveniles to the juvenile court when they are arrested and charged with crime that this bill does not go to that issue. There is nothing in this bill to require juvenile delinquents to be brought, when charged with crime, into any court except a juvenile court in accordance with existing law. This bill makes no attempt to touch that.

I repeat again—that nothing in this bill will deter the commission of crime—nothing.

Let me give you briefly some statistics.

From 1961 to 1963 inclusive, the crime statistics for the whole country prove—or indicate—that from 83½ to 93.2 percent of the persons alleged to have committed a crime were arrested. In other words, out of the total number of crimes reported to have been committed, arrests were made in 83½ to 93.2 percent of such cases. There is nothing in this bill that touches on how you can catch and arrest those other criminals in the remaining 6.8 to 16½ percent of the crimes committed.

Of these who are arrested, the statistics indicate there are no more and no less convictions since the Mallory and Durham rule than before.

For these same years, 1961 through 1963, approximately one-third of the criminals arrested were found to be juveniles and were referred to the juvenile courts.

Of the rest of them who were arrested and charged with crime, 11.7, 12.2, and 11.9 percent, in each of those years, 1961, 1962, and 1963, were acquitted or had the charges against them dismissed. All the rest of the cases resulted in either conviction after trial or in a plea of guilty.

There is nothing in this bill that is going to change those figures. If anything, it will make the number of convictions less. Because throughout this country it has been proved time and time again that where you have mandatory penalties imposed—where the judge has no discretion of any kind whatsoever, and that when a conviction is brought in by the jury or the defendant pleads guilty, that it is mandatory that a certain

sentence must be imposed, this does not deter crime but tends toward fewer convictions. It does not bring about any more convictions. It lessens the number of guilty pleas and of convictions.

Now if you want to go back to the days when even as petty a crime as stealing a loaf of bread carried with it a mandatory penalty—and if you go back far enough you will find that even that kind of an offense carried with it a mandatory penalty of death—it was a capital offense—then take the mandatory provisions of this bill.

But bear in mind that along with that in this bill you get this proposed change in the matter of detention. This detention applies not only to a person who is suspected of being a criminal or of having committed a crime, but it applies to detaining a person who is suspected of being a witness to a crime.

The gentleman from New York [Mr. FARBSTEIN] raised a question about the detention provision. I am not going to quibble about whether, under this provision, when a man is detained for 6 hours, whether as an alleged criminal or a witness, about whether he then must be brought before a committing magistrate or a judge and charged or committed. I believe the authors of the bill intended that at the end of 6 hours a man either would be charged and arrested, and committed or bailed as the case requires or be discharged completely.

The vice of the provision as the bill stands, and the committee resisted any attempt to amend it, is that after a man is arrested as a witness or an alleged criminal and detained for 6 hours, and there is no proof and they cannot charge him and they cannot hold him, and they must let him walk out the door of the police station or wherever they have detained him and they do so, then another policeman can pick him up and bring him back and hold him for another 6 hours. That could go on ad infinitum. There is nothing in this bill to stop a man from being detained indefinitely by having a series of officers arrest and detain him.

As to the attempt to change the Mallory rule under title I, let me call attention to the fact that although this bill is a District of Columbia bill, it will apply across the country, because under this bill any arresting officer can hold and detain a person on an alleged income tax violation or an alleged antitrust criminal violation or anything on the books, anywhere across the country. Then, when the man is charged and indicted in the District of Columbia, despite the fact that there may be a local law against using that kind of statement, extracted under those circumstances, in that State where the man was interrogated, the statement could nevertheless be used in the District of Columbia.

What I have said should be sufficient to point out merely a few of the bad things in this bill. Hearings will develop many, many more bad things about the various titles in the bill.

Oh, there are one or two good things in the bill which almost any one of us could vote for.

Let us have full and complete hearings. Let us hear all of the witnesses for and against each title. Let us hear all the witnesses for and against each of the amendments which might be recommended or which have been recommended. Then we will get a good bill.

This bill should be recommitted to the committee, and I urge that that be done.

Mr. BELCHER. Mr. Chairman, I move to strike the requisite number of words.

When I came to the floor this afternoon, I did not know whether this was a good bill. I have sat here some 2 or 3 hours. I have heard one group say it is terrible and another group say it is absolutely fine.

I should like to have someone discuss the provisions of the bill which make it as bad as the opponents say it is. From what little I have learned, in the time I have had to look at this bill, I believe every single provision of the bill is now the law in Oklahoma.

I do not claim to be a criminal lawyer, although I practiced law for quite a long time. I was a court clerk of three courts and I have written the sentences on many criminals. I was a municipal judge for 4 years, and have had to find a lot of people guilty.

I want to have a defendant accorded all his constitutional rights to which he is entitled. I learned that when I studied law, and I still believe it.

Still, I would like to know whether this is a good bill. About the only objection I have heard raised as to the provisions was raised by the last speaker, who said it might cause somebody who was trying to evade his income taxes to get caught, when he should not be caught. I do not know what it will do with respect to people who commit robbery right on the front steps of the Capitol. I do not know what it will do with respect to people who attack Congressmen on their front porches. I do not know what it will do with respect to criminals who stab secretaries of Members of this House within a block of the Capitol, when kneeling at the altar of a church to pray. I do not know what it will do with respect to those people, but I found out what it would do as to an income tax evader.

If this is not a good law on crime, I wish the opponents would bring one up. For the past 10 years to my knowledge, there has not been a major bill on crime passed.

I do not know what the Attorney General would like to have in a bill. If he does not like this bill, I wish he would suggest some kind of a law that would make it safe for a Congressman to be on his front porch at night. I wish we could have something to make it safe for secretaries on the Hill to go a block from here to pray without getting stabbed in the back.

You can have all the hearings you want to. You can come up with any kind of a bill you want to. But at least I would like to have somebody try to do something about stopping this crime. Maybe this bill is not perfect—and I do not claim it is, because I do not know too many of the provisions of it—but the provisions that I have had time to look over I find in the law in Oklahoma today. I do not know why you would say a man who was picked up at midnight and who confessed to a terrible crime before 7 o'clock the next morning and was then taken before a judge, had been held too long. I do not know why you would say that. Under Oklahoma law, if the court found the police had used improper methods in obtaining his confession or if that man's rights had not been protected and the statement was not voluntary, then it would be tossed out. Not just because they looked at their watch and said it is 3 minutes over 7 hours and therefore, although he has admitted going into that house and raping that girl and stabbing her and killing her, it is now 3 minutes past 7 hours and you just cannot convict him because you have held him too long. That just does not add up in my book. If that is the way to prevent crime, we will probably have the same kind of crime prevention in this District as we have had. I am afraid at night to walk more than 50 feet from a well-lighted apartment house. Never in my life have I been afraid to walk anywhere in any city at any time, whether it be in Oklahoma or any place else, until the last few years. I do not know whether it is the Mallory rule that is causing that or what has caused it, but whatever has caused it, I wish somebody would come up with some kind of an answer instead of just trying to block, to prevent, and to delay by appointing crime commissions to investigate as to whether or not there is crime here. I can do that without it. The Crime Commission does not have to go more than 20 feet from this desk here to find out that there has been crime committed right in front of this House of Representatives. A Capitol employee was robbed at 11 a.m., in broad daylight, within 300 feet of where we stand now. The repeal of the Mallory rule will not stop that, they say. I do not know what rule will stop it, but I wish the Attorney General and these people who say this bill is no good would come up with a bill which will make it safe for an employee of the House at least to walk 100 feet from here without the danger of being robbed.

Mr. O'HARA of Illinois. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have heard this argument going on for many, many years. Mr. Chairman, I think God makes prosecutors and he makes defense counsel. I do not think he mixes the two. I have heard prosecutors talk just like my beloved friend from Oklahoma. A hideous crime has been committed, so go out and find somebody. It does not make any difference whether you find an innocent man or a guilty man. Find somebody and string him up or put him behind bars, but lynch him good and hard.

It defeats the purpose and the spirit of the law in the name of the law itself. I have spent much of my lifetime fighting that sort of thing.

I believe in the defense of innocence. I do not believe you can breed respect for law and justice by destroying the protections and safeguards of innocence.

Today I heard one of the speakers say that the criminal law was to free criminals. That I resent. In 200 or 300 homicide cases I have been defense counsel and never once, Mr. Chair-

man, have I known, when I was in the midst of trial, the amount of the fee paid me, and in at least 50 to 60 percent of the cases no fee ever was paid. The same could be said of any defense counsel worth his salt.

I believe in protecting innocence. Nobody has greater respect than I have for prosecuting attorneys individually and as a class. They are sincere and conscientious, but there is a basic clash in philosophy. They honestly believe that it is conviction that counts, that the number of innocent who may go to the chair or to a cell is relatively small, and that the safety of the law-abiding public is best protected by quick and certain convictions regardless of the element of possible innocence.

With that philosophy I have been in lifelong disagreement. The protection of innocence is an obligation of the law so sacred that the failure to protect the innocent inevitably must bring on the collapse of the law itself and the wreck of government.

Mr. Chairman, legislation such as that here offered us has been tried many times, and it never has succeeded in curbing crime. Several hundred years ago, crime had gotten out of control in London—oh, Mr. Chairman, it was a thousand times worse than here in the District of Columbia at the present time. Crime was rampant all over London. The prosecutors and the legislators of England said something must be done and the death penalty was stretched to include the most trivial misdemeanors. The police filled the jails, punishment was prompt and certain, and not much care was taken to separate the innocent from the guilty. There were some 5,000 executions and crime increased in London 100 percent in 1 year.

Mr. Chairman, I trust today that in voting against this bill no one will think that he is showing lack of appreciation of the hard work that the chairman and the members of the subcommittee have done in bringing to us this bill. They have worked hard. They have brought to us a measure that they think is a good measure. But, Mr. Chairman, my experience of many, many years has told me that it is not good legislation. If this proposed legislation is sent back to the committee for further study, to call in other people and get the slant of many minds and benefit from the experience of sincere and honest people in many areas, and of varying philosophies, we well might expect the kind of a bill we all could support from the bottom of our hearts. There is no study more worthy of our time than that revolving around a growing reign of crime not only in Washington but throughout the Nation. But a weakening of the safeguards of innocence can never be the forerunner of a successful drive to eliminate crime to the lowest possible minimum.

Mr. GROSS. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I am not a lawyer and therefore I do not know all the legal implications of this bill. I do know that crime is out of hand in the District of Columbia. I would like to ask the distinguished gentleman from North Carolina [Mr. WHITENER], a question or two. Is there anything in this piece of legislation that will deprive the Attorney General of the United States of authority to summon police and drag people out of the Department of Justice as he did a few days ago?

Mr. WHITENER. I do not think this legislation deals with that subject. But it certainly does not destroy any rights that any law-enforcement officer has in any area.

Mr. GROSS. If the gentleman will bear with me for a minute or two, there is nothing in this bill that would prevent any citizen from going up to the other end of Pennsylvania Avenue, taking his lunch and sitting down on the sidewalk and eating it, at any time of the day or night—there is nothing in this legislation that would deprive a citizen of that right, is there, since it is being done now?

Mr. WHITENER. No, this does not deal with walking and sitting and eating.

Mr. GROSS. So it would be perfectly legal for me to go to the other end of Pennsylvania Avenue, in front of the White House, eating lunch, litter up the sidewalk, and sleep on the sidewalk at night if I wanted to and do that sort of thing? I would not be deprived of that right if I as a citizen wanted to indulge in that kind of behavior, would I?

Mr. WHITENER. I do not think this legislation touches upon that. There may be other statutes which deal with littering and loitering and vagrancy but I am sure the gentleman from Iowa is not going to be a vagrant.

Mr. GROSS. Well, you never can tell in this business what will happen in the next few hours.

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

Mr. GROSS. I yield to the gentleman from Oklahoma.

Mr. BELCHER. I would say to the gentleman from Iowa that he would be perfectly safe because the police would be there to protect you. But if you happened to be out on your porch, you might not be as safe.

Mr. GROSS. I thank the gentleman for his contribution.

I note in the minority report on this bill that some of those who signed the minority report seem to feel badly about the right of trial-by-jury provision. Does the gentleman recall the 1957 Civil Rights Act and the passage of that act in the House, and does he recall that some of the same people who signed the minority report on this bill are the same Members who were not much concerned about the right of trial by jury in 1957 in contempt cases growing out of violations of the so-called Civil Rights Act?

Mr. WHITENER. I must say to the gentleman from Iowa that I have not had an opportunity to review the rollcall votes on that legislation. So, I would not be able to answer the gentleman's question.

Mr. GROSS. I just wondered why these people are so concerned today about the right of trial by jury when they were so unconcerned about the same right in 1957 and again in 1964.

I thank the gentleman from North Carolina.

Mr. MACHEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, by the official records I live closest to the Nation's Capitol, 5 miles. I have been living here all my life. I was a prosecuting attorney for 4 years in my home county of Prince Georges, although it has been some 15 years ago.

Mr. Chairman, I do not feel that I have a prosecutor's complex. However, I have listened to this entire debate with a great deal of interest and have noted everything that has been stated.

As I listened and having read the reports I believe the only thing they are trying to do with this bill is protect the rights of all of the citizens and not to take away from the defendants the rights that are guaranteed to them under the Constitution. The committee majority is accepting the responsibilities incumbent on the courts to see that a defendant charged with a crime is guaranteed a fair trial and I do believe that the courts will see that the constitutional rights of a defendant are protected.

But I can see in respect to this bill, particularly in reference to the Mallory rule, that the rule has more or less come about because of the Court's confining its ruling to an interpretation of a Federal Rule of Criminal Procedure and the courts have not ruled on the constitutional question. Possibly with this legislation it might be deemed unconstitutional. I say, however, let the courts decide whether or not a constitutional right has been violated based upon full consideration of the facts of each case and not by an arbitrary rule.

Mr. Chairman, this is my first term in the Congress of the United States. However, I sat for 10 years in the Maryland Legislature. Whenever any of the committees of that legislature came out with anything dealing with infringement on the rights of a criminal, there was always a group worrying about constitutional rights. I say the courts do protect and will protect these rights.

But I also say at this time that we ought to protect the rights of everybody and not worry so much about 3 or 4 percent of the people.

Mr. Chairman, let us give the courts the freedom to see as they have in the past, as they are now and as they will in the future that the rights of all are protected and not have their hands tied. I believe we all know and feel that they will guarantee the rights of all of us before the bar of justice.

The courts must have an unshackled hand in determining what is or is not admissible in evidence. The constitutional rights of all the citizens demand the introduction of all the best and proper evidence so that a judge and/or a jury can determine whether a defendant is guilty beyond a reasonable doubt, or innocent. To permit defendants to escape conviction on technicalities does not do justice to the people, the courts or the Constitution we all believe in and fight for. Let us let the Court decide the constitutionality of this bill.

Mr. WHITENER. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with

an amendment, with the recommendation that the amendment be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. LANDRUM, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5688) relating to crime and criminal procedure in the District of Columbia, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

Mr. WHITENER. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

The previous question was ordered.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

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

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

Mr. MATHIAS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. MATHIAS. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MATHIAS moves that H.R. 5688 be recommitted to the Committee on the District of Columbia with instructions to hold public hearings on criminal legislation for the District of Columbia.

Mr. WHITENER. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

Mr. MATHIAS. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 166, nays 216, not voting 51, as follows:

[Roll No. 42]

YEAS—166

Addabbo
Annunzio
Ashley
Bandstra
Barrett
Bingham
Blatnik
Boland
Bolling
Brademas
Brown, Calif.
Burke
Burton, Calif.
Byrne, Pa.
Cahill
Cleveland
Clevenger
Cohelan
Conable
Conte
Conyers
Corman
Culver
Curtis
Daddario
Daniels
Dawson
Delaney
Denton
Diggs
Dingell
Donohue
Dow
Duncan, Oreg.
Dyal
Edwards, Calif.
Ellsworth
Evans, Colo.
Farbstein
Farnum
Feighan
Fogarty
Foley
Ford, William D.
Fraser
Gallagher
Garmatz
Giaimo
Gilbert
Gilligan
Gonzalez
Goodell
Grabowski
Green, Oreg.
Green, Pa.
Greigg
Grider
Griffiths
Halpern
Hanna
Hansen, Iowa
Hawkins
Hays
Hechler
Helstoski
Hicks
Holifield
Horton
Hungate
Huot
Irwin
Jacobs
Joelson
Karsten
Kastenmeier
Kelly
King, Calif.
Kirwan
Kluczynski
Krebs
Leggett
Lindsay
Long, Md.
Love
McCarthy
McDowell
McFall
McGrath
Macdonald
MacGregor
Mackie
Madden
Mailliard
Mathias
Matsunaga
Miller
Minish
Mink
Moorhead
Morse
Morton
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Nedzi
Nix
O'Brien
O'Hara, Ill.
O'Hara, Mich.
Olsen, Mont.
Olson Minn.
O'Neill, Mass.
Ottinger
Patten
Perkins
Philbin
Powell
Price
Pucinski
Quie
Race
Randall
Redlin
Resnick
Reuss
Rhodes, Pa.
Rivers, Alaska
Rodino
Rogers, Colo.
Rogers, Tex.
Ronan
Rooney, N.Y.
Rosenthal
Rostenkowski
Rumsfeld
Ryan
St Germain
St. Onge
Scheuer
Schisler
Senner
Shipley
Sickles
Sisk
Smith, Iowa
Stafford
Stalbaum
Sullivan
Sweeney
Tenzer
Thompson, N.J.
Todd
Tunney
Tupper
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Walker, N. Mex.
White, Idaho
Wilson, Charles H.
Wolff
Yates

NAYS—216

Abbitt
Abernethy
Adair
Adams
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, George W.
Andrews, N. Dak.
Ashbrook
Ashmore
Aspinall
Ayres
Baldwin
Baring
Bates
Battin
Beckworth
Belcher
Bell
Bennett
Berry
Betts
Bolton
Bow
Bray
Brock
Brooks
Broomfield
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burleson
Burton, Utah
Byrnes, Wis.
Cabell
Callan
Callaway
Carey
Carter
Casey
Chamberlain
Chelf
Clancy
Clark
Clawson, Del
Collier
Colmer
Cooley
Corbett
Craley
Cramer
Cunningham
Curtin
Dague
Davis, Ga.
Davis, Wis.
de la Garza
Dent
Derwinski
Devine
Dickinson
Dole
Dorn
Dowdy
Downing
Duncan, Tenn.
Edmondson
Edwards, Ala.
Erlenborn
Evins, Tenn.
Fallon
Farnsley
Fascell
Fisher
Flood
Fountain
Fulton, Tenn.
Fuqua
Gathings
Gettys
Gray
Gross
Grover
Gubser
Gurney
Hagan, Ga.
Hagen, Calif.
Haley
Hall
Halleck
Hamilton
Hansen, Idaho
Hardy
Harris
Harsha
Harvey, Mich.
Hathaway
Hébert
Henderson
Herlong
Hosmer
Hull
Hutchinson
Ichord
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Mo.
Karth
Kee
Keith
King, N.Y.
King, Utah
Kornegay
Kunkel
Landrum
Langen
Latta
Lennon
Lipscomb
Long, La.
McClory
McCulloch
McEwen
McMillan
Machen
Mackay
Mahon
Marsh
Martin, Ala.
Martin, Mass.
Martin, Nebr.
Matthews
Meeds
Michel
Mills
Minshall
Mize
Moeller
Monagan
Morgan
Morris
Morrison
Murray
Natcher
Nelsen
O'Konski
O'Neal, Ga.
Passman
Patman
Pelly
Pepper
Pickle
Pike
Pirnie
Poage
Poff
Pool
Purcell
Quillen
Reid, Ill.
Reifel
Reinecke
Rivers, S.C.
Roberts
Robison
Rogers, Fla.
Roudebush
Roush
Satterfield
Saylor
Schneebeli
Schweiker
Scott
Secrest
Selden
Shriver
Sikes
Slack
Smith, Calif.
Smith, N.Y.
Smith, Va.
Springer
Staggers
Stanton
Steed
Stephens
Stubblefield
Talcott
Taylor
Teague, Calif.
Thomas
Thompson, La.
Thompson, Tex.
Thomson, Wis.
Trimble
Tuck
Tuten
Utt
Walker, Miss.
Watkins
Watts
Weltner
Whalley
White, Tex.
Whitener
Whitten
Williams
Willis
Wright
Wyatt
Wydler
Young
Younger
Zablocki

NOT VOTING—51

Andrews, Glenn
Arends
Boggs
Bonner
Buchanan
Cameron
Cederberg
Celler
Clausen, Don H.
Dulski
Dwyer
Everett
Findley
Fino
Flynt
Ford, Gerald R.
Frelinghuysen
Friedel
Fulton, Pa.
Gibbons
Griffin
Hanley
Hansen, Wash.
Harvey, Ind.
Holland
Howard
Jarman
Jennings
Johnson, Okla.
Jones, Ala.
Keogh
Laird
McDade
McVicker
May
Moore
Reid, N.Y.
Rhodes, Ariz.
Roncalio
Rooney, Pa.
Roosevelt
Roybal
Schmidhauser
Skubitz
Stratton
Teague, Tex.
Toll
Vivian
Waggonner
Widnall
Wilson, Bob

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Keogh for, with Mr. Holland against.

Mr. Roosevelt for, with Mrs. Hansen against.

Mr. Vivian for, with Mr. Boggs against.

Mr. Roybal for, with Mr. Everett against.

Mr. Toll for, with Mr. Johnson of Oklahoma against.

Mr. Celler for, with Mr. Gibbons against.

Mrs. Dwyer for, with Mr. Rhodes of Arizona against.

Mr. McDade for, with Mr. Widnall against.

Mr. Reid of New York for, with Mr. Gerald R. Ford against.

Mr. Dulski for, with Mr. Waggonner against.

Mr. Rooney for, with Mr. Stratton against.

Mr. Friedel for, with Mr. Jennings against.

Mr. Cameron for, with Mr. Teague of Texas against.

Until further notice:

Mr. Flynt with Mr. Findley.

Mr. Bonner with Mr. Arends.

Mr. Jarman with Mr. Bob Wilson.

Mr. Hanley with Mr. Fino.

Mr. McVicker with Mr. Griffin.

Mr. Schmidhauser with Mr. Laird.

Mr. Roncalio with Mr. Buchanan.

Mr. Howard with Mrs. May.

Messrs. ALBERT and MINSHALL changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

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

Mr. WHITENER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 251, nays 131, not voting 51, as follows:

[Roll No. 43]

YEAS—251

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, George W.
Andrews, N. Dak.
Ashbrook
Ashmore
Aspinall
Ayres
Baldwin
Bandstra
Baring
Bates
Battin
Beckworth
Belcher
Bell
Bennett
Berry
Betts
Bolton
Bow
Bray
Brock
Brooks
Broomfield
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burleson
Burton, Utah
Byrnes, Wis.
Cabell
Callan
Callaway
Carey
Carter
Casey
Chamberlain
Chelf
Clancy
Clark
Clawson, Del
Cleveland
Collier
Colmer
Cooley
Corbett
Craley
Cramer
Cunningham
Curtin
Dague
Davis Ga
Davis, Wis.
de la Garza
Delaney
Denton
Derwinski
Devine
Dickinson
Dole
Dorn
Dowdy
Downing
Duncan, Tenn.
Edmondson
Edwards, Ala.
Erlenborn
Evins, Tenn.
Fallon
Farnsley
Fascell
Feighan
Fisher
Flood
Fountain
Fulton, Tenn.
Fuqua
Garmatz
Gathings
Gettys
Goodell
Gray
Gross
Grover
Gubser
Gurney
Hagan, Ga.
Hagen, Calif.
Haley

Hall
Halleck
Hamilton
Hansen, Idaho
Hansen, Iowa
Hardy
Harris
Harsha
Harvey, Mich.
Hathaway
Hébert
Henderson
Herlong
Hicks
Hosmer
Hull
Hungate
Hutchinson
Ichord
Jacobs
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Mo.
Karth
Kee
Keith
Kelly
King, N.Y.
King, Utah
Kirwan
Kornegay
Kunkel
Landrum
Langen
Latta
Lennon
Lipscomb
Long, La.
Love
McClory
McCulloch
McDowell
McEwen
McMillan
MacGregor
Machen
Mackay
Madden
Mahon
Mailliard
Marsh
Martin, Ala.
Martin, Mass.
Martin, Nebr.
Matthews
Meeds
Michel
Mills
Minshall
Mize
Moeller
Monagan
Morgan
Morris
Morrison
Morton
Murphy, N.Y.
Murray
Natcher
Nelsen
O'Brien
O'Konski
O'Neal, Ga.
Passman
Patman
Pelly
Pepper
Perkins
Pickle
Pike
Pirnie
Poage
Poff
Pool
Pucinski
Purcell
Quie
Quillen
Randall
Reid, Ill.
Reifel
Reinecke
Rhodes, Pa.
Rivers, S.C.
Roberts
Robison
Rogers, Fla.
Rooney, N.Y.
Roudebush
Roush
Rumsfeld
Satterfield
Saylor
Schisler
Schneebeli
Schweiker
Scott
Secrest
Selden
Shriver
Sikes
Slack
Smith, Calif.
Smith, N.Y.
Smith, Va.
Springer
Stafford
Staggers
Stanton
Steed
Stephens
Stubblefield
Talcott
Taylor
Teague, Calif.
Tenzer
Thomas
Thompson, La.
Thompson, Tex.
Thomson, Wis.
Trimble
Tuck
Tunney
Tuten
Utt
Vigorito
Walker, Miss.
Watkins
Watts
Weltner
Whalley
White, Tex.
Whitener
Whitten
Williams
Willis
Wilson, Charles H.
Wolff
Wright
Wyatt
Wydler
Young
Younger
Zablocki

NAYS—131

Annunzio
Ashley
Barrett
Bingham
Blatnik
Boland
Bolling
Brademas
Brown, Calif.
Burke
Burton, Calif.
Byrne, Pa.
Cahill
Cameron
Clevenger
Cohelan
Conable
Conte
Conyers
Corman
Culver
Curtis
Daddario
Daniels
Dawson
Dent
Diggs
Dingell
Donohue
Dow
Duncan, Oreg.
Dyal
Edwards, Calif.
Evans, Colo.
Farbstein
Farnum
Fogarty
Foley
Ford, William D.
Fraser
Gallagher
Giaimo
Gilbert
Gilligan
Gonzalez
Grabowski
Green, Oreg.
Green, Pa.
Greigg
Grider
Griffiths
Halpern
Hanna
Hawkins
Hays
Hechler
Helstoski
Holifield
Horton
Huot
Irwin
Joelson
Karsten
Kastenmeier
King, Calif.
Kluczynski
Krebs
Leggett
Lindsay
Long, Md.
McCarthy
McFall
McGrath
Macdonald
Mackie
Mathias
Matsunaga
Miller
Minish
Mink
Moorhead
Morse
Mosher
Moss
Multer
Murphy, Ill.
Nedzi
Nix
O'Hara, Ill.
O'Hara, Mich.
Olsen, Mont.
Olson, Minn.
O'Neill, Mass.
Ottinger
Patten
Philbin
Powell
Price
Race
Redlin
Resnick
Reuss
Rivers, Alaska
Rodino
Rogers, Colo.
Rogers, Tex.
Ronan
Rosenthal
Rostenkowski
Ryan
St Germain
St. Onge
Scheuer
Senner
Shipley
Sickles
Sisk
Smith, Iowa
Stalbaum
Sullivan
Sweeney
Thompson, N.J.
Todd
Tupper
Udall
Ullman
Van Deerlin
Vanik
Walker, N. Mex.
White, Idaho
Yates

NOT VOTING—51

Andrews, Glenn
Arends
Boggs
Bonner
Buchanan
Cederberg
Celler
Clausen, Don H.
Dulski
Dwyer
Ellsworth
Everett
Findley
Fino
Flynt
Ford, Gerald R.
Frelinghuysen
Friedel
Fulton, Pa.
Gibbons
Griffin
Hanley
Hansen, Wash.
Harvey, Ind.
Holland
Howard
Jarman
Jennings
Johnson, Okla.
Jones, Ala.
Keogh
Laird
McDade
McVicker
May
Moore
Reid, N.Y.
Rhodes, Ariz.
Roncalio
Rooney, Pa.
Roosevelt
Roybal
Schmidhauser
Skubitz
Stratton
Teague, Tex.
Toll
Vivian
Waggonner
Widnall
Wilson, Bob

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Boggs for, with Mr. Keogh against.

Mr. Johnson of Oklahoma for, with Mr. Roosevelt against.

Mr. Bonner for, with Mr. Vivian against.

Mr. Friedel for, with Mr. Roybal against.

Mr. Gibbons for, with Mr. Toll against.

Mr. Teague of Texas for, with Mr. Celler against.

Mr. Waggonner for, with Mr. Rooney of Pennsylvania against.

Mr. Gerald R. Ford for, with Mr. Reid of New York against.

Mr. Widnall for, with Mr. McDade against.

Mr. Rhodes of Arizona for, with Mrs. Dwyer against.

Until further notice:

Mr. Stratton with Mr. Fulton of Pennsylvania.

Mr. Jennings with Mr. Buchanan.

Mr. Flynt with Mr. Andrews of Alabama.

Mr. Holland with Mr. Arends.

Mrs. Hansen with Mrs. May.

Mr. Hanley with Mr. Fino.

Mr. Everett with Mr. Moore.

Mr. Dulski with Mr. Laird.

Mr. McVicker with Mr. Bob Wilson.

Mr. Jones of Alabama with Mr. Griffin.

Mr. Jarman with Mr. Don Clausen.

Mr. Howard with Mr. Frelinghuysen.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. WHITENER. Mr. Speaker, I ask unanimous consent that all Members be permitted to revise and extend their remarks and include extraneous matter on the bill, H.R. 5668.

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

There was no objection.

RIGHT-TO-VOTE BILL

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

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

There was no objection.

Mr. SIKES. Mr. Speaker, on last week the President made a strong appeal for universal voting rights. In substance, he has asked that anyone be allowed to vote on his own statement of age, residence, and voter qualifications. As a result, the Congress has given precedence to the right-to-vote bill ahead of all other legislation.

In my district, every qualified person can vote. This is the way it should be. Every qualified person has a right to vote and should be permitted to do so. But, I would be extremely reluctant to see something done in Congress under the pressure of hysteria and the aegis of demonstrations which would simply permit the Federal Government to move in and control all elections henceforth. Regardless of the President's good intentions, that almost certainly will be a part of any federally sponsored vote bill. I am convinced that under the bill which has been proposed, abuses of voting privileges would be just as serious as the abuses now charged in some areas to prevent voting.

Yes, people have a right to vote. Some have been improperly denied that right. Professional agitators like Martin Luther King are quick to take advantage of any opportunities which provide a sounding board and enhance their own position. Violence flares and tempers grow short on both sides. The news media feed on such. It is most unfortunate that the Federal conciliators were not sent to Selma ahead of Martin Luther King. I think there is a real possibility that violence could have been avoided if the same effort had been given to prevention that has been given to cure. That was not done and people throughout the land—ignoring what may be happening in their own backyards—have initiated a chorus of demand for action in far away Alabama.

In situations of this kind, the Federal Government finds itself drawn inexorably, and not too reluctantly, into the picture. That is where we stand now. We should proceed cautiously and carefully lest we complete the giveaway of the remaining rights which are held by the States and the local communities. The Congress should not forget that the Federal Government is never satisfied short of complete takeover. Voting laws are properly State and community matters. Improvements which are needed can be accomplished and must be accomplished without Federal control over elections and voting processes.

THE 92D ANNIVERSARY OF ABOLITION OF SLAVERY IN PUERTO RICO

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

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

There was no objection.

Mr. ANNUNZIO. Mr. Speaker, March 22, 1965, marks the 92d anniversary of the abolition of slavery in Puerto Rico, an island of the world which at the present time prides itself on being a symbol for racial cooperation.

The act to abolish slavery in Puerto Rico was introduced in the Spanish Cortes on December 24, 1872, by the then

Overseas Minister, Tomas Mosquera Garcia. Inspired by the demands of a clamoring Puerto Rican abolitionist movement, the Minister led the fight against the shameful institution of slavery and strove to restore the rights and human dignity of those Africans in servitude. He realized that a movement toward freedom must draw on the devotions of the Puerto Rican culture, a culture where people directed themselves toward understanding the effects of a land half slave and half free.

Although slavery in Puerto Rico was not the cruel system of servitude that marked other areas of the Western Hemisphere, by the middle of the 19th century the Puerto Rican conscience was, nevertheless, appalled by the mere existence of such a system which made one human being the property of another.

The freedom cries coming from Europe and the echo of the shot fired at Fort Sumter stirred the hearts and minds of Puerto Rican leaders, who appeared time and time again before the Cortes and high government officials demanding the immediate elimination of such an inhumane system.

While men like Ramon E. Betances, Segundo Ruiz Belvis, Roman Baldorioty de Castro, Emilio Castelar, and Don Rafael M. de Labra fought an unrelenting struggle for the freedom of the slaves, the controversy raged on in the newspapers, while public opinion was stirred by the efforts of these outstanding leaders.

Finally, when King Amandeo of Savoy adbicated and the proclamation for the First Republic was read in February of 1873, the way was paved for the passage of an abolition bill. After the Conservatives had fought their last stand within the torrid chambers of the Cortes, the bill was approved on March 22, 1873.

The act provided for a loan to compensate the slaveowners for their losses and further ordered that all slaves should be freed immediately, although work contracts for a 3-year period were imposed. The transition period was set for 5 years, after which former slaves would be entitled to their full civil rights.

Today, the United States is measuring the implications of the civil rights revolution, a revolution which the people of Puerto Rico will maintain as being just and right. They have and will continue to fight for the dignity of every American citizen.

LEASE AND TRANSFER, TOBACCO ALLOTMENTS

Mr. MATTHEWS. Mr. Speaker, I ask unanimous consent to extend my remarks in the body of the RECORD and include illustrative tables.

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

There was no objection.

Mr. MATTHEWS. Mr. Speaker, this is the fourth year that lease and transfer of Flue-cured tobacco allotments have been authorized. I introduced Public Law 87–200 which initiated this program in 1962 and sponsored Public Law 88–68 which extended the program through 1965.

Early in this session, I introduced H.R. 1076 which will extend the lease and transfer of tobacco allotments for another 2 years. I think it would be well to review what this has accomplished. I am very indebted to W. D. Toussaint, professor of agricultural economics, North Carolina State University at Raleigh for some information developed in studies made under his direction. Dr. Toussaint has served as an adviser to the National Agricultural Advisory Commission.

The lease and transfer program allows one farmer to rent a tobacco allotment from the allotment owner and move it to his farm within the same county. There is a 5-acre limit on the acreage which can be transferred. Leases are for 1 year only but may be renewed. Total acreage after transfer cannot exceed 50 percent of the cropland. The allotment is transferred acre for acre if the normal yield established for the farm to which the allotment is transferred does not exceed the normal yield for the farm from which the allotment is transferred by more than 10 percent. The allotment is adjusted downward in those cases where the normal yield for the farm to which the allotment is being transferred exceeds the normal yield of the farm from which the transfer is being made by more than 10 percent in the same ratio as the difference in normal yields. This provision is important because it reduces the production increasing effects of the program. In effect pounds and not acres are transferred.

The following tables are included at this point:

TABLE 1.—*Characteristics of tobacco allotments and acreage transferred by lessors under Public Law 87–200 in 1962*

State	Allotments transferred	Acres transferred	Average size of allotment transferred	Percent of allotments transferred	Percent of all acreage transferred	Size of transferred allotment as a percent of average allotment
Alabama	50	44.83	0.90	19.6	8.4	43.1
Florida	1,167	1,613.01	1.38	17.0	10.2	59.7
Georgia	2,937	3,939.73	1.34	11.3	5.2	45.9
North Carolina	8,908	13,452.97	1.51	7.4	2.7	36.7
South Carolina	1,588	1,791.15	1.13	6.1	2.1	33.8
Virginia	1,678	2,857.24	1.70	7.3	3.8	52.5
Total	16,328	23,698.93	1.45	8.1	3.2	39.3

Source: ASCS mimeographed reports.

TABLE 2.—*Participation of lessees, tobacco production, and allotment adjustment under Public Law 87–200 in 1962*

State	Number leasing allotments	Acreage grown under transfer program	Acreage reduction due to normal yield difference	Percent acreage reduction due to normal yield	Difference in numbers of lessors and lessees
Alabama	35	43.75	1.08	2 4	15
Florida	897	1,515.46	97.55	6.0	270
Georgia	2,219	3,704.62	235.11	6.0	718
North Carolina	7,710	12,003.87	1,449.10	10.8	1,198
South Carolina	1,147	1,644.84	146.31	8.2	441
Virginia	1,576	2,599.81	257.43	9.0	102
Total	13,584	21,512.35	2,186.58	9.2	2,744

Source: ASCS mimeographed reports.

TABLE 3.—*Characteristics of tobacco allotments and acreage transferred by lessors under Public Law 87–200 in 1963*

State	Allotments transferred	Acres transferred	Average size of allotment transferred	Percent of allotments transferred	Percent of all acreage transferred	Size of transferred allotment as a percent of average allotment
Alabama	67	58.61	0.87	26.3	11.6	43.9
Florida	1,586	2,191.89	1.38	23.0	14.5	63.0
Georgia	4,128	5,949.13	1.44	15.9	8.3	51.8
North Carolina	11,815	18,435.76	1.56	9.9	3.9	39.9
South Carolina	2,109	2,413.31	1.14	8.2	2.9	35.4
Virginia	2,361	4,068.89	1.72	10.3	5.7	55.5
Total	22,066	33,117.59	1.50	11.0	4.7	42.6

Source: ASCS mimeographed reports.

TABLE 4.—*Participation of lessees, tobacco production, and allotment adjustment under Public Law 87–200 in 1963*

State	Number leasing allotments	Acreage grown under transfer program	Acreage reduction due to normal yield difference	Percent acreage reduction due to normal yield	Difference in numbers of lessors and lessees
Alabama	47	56.38	1.93	3.3	20
Florida	1,155	2,060.86	131.03	6.0	431
Georgia	3,182	5,663.11	286.02	4.8	946
North Carolina	10,012	16,260.73	2,175.03	11.8	1,803
South Carolina	1,442	2,217.41	195.90	8.1	667
Virginia	2,107	3,692.43	376.46	9.3	254
Total	17,945	29,950.92	3,166.37	9.6	4,121

Source: ASCS mimeographed reports.

TABLE 5.—*Characteristics of tobacco allotments and acreage transferred by lessors under Public Law 88–68 in 1964*

State	Allotments transferred	Acres transferred	Average size of allotment transferred	Percent of allotments transferred	Percent of all acreage transferred	Size of transferred allotment as a percent of average allotment
Alabama	75	80.32	1.07	29.6	16.0	54.0
Florida	1,989	2,564.91	1.29	28.7	18.9	65.8
Georgia	5,187	6,855.28	1.32	20.0	10.6	52.6
North Carolina	15,605	23,886.86	1.53	13.3	5.7	42.5
South Carolina	2,364	2,652.42	1.12	9.4	3.6	38.1
Virginia	3,483	5,717.33	1.64	15.4	8.9	57.9
Total	28,703	41,757.12	1.45	14.5	6.5	45.0

Source: ASCS mimeographed reports.

TABLE 6.—*Participation of lessees, tobacco production, and allotment adjustment under Public Law 88–68 in 1964*

State	Number leasing allotments	Acreage grown under transfer program	Acreage reduction due to normal yield differences	Percent acreage reduction due to normal yield	Difference in number of lessors and lessees
Alabama	44	72.82	7.50	9.3	31
Florida	1,404	2,437.55	127.36	5.0	585
Georgia	3,797	6,450.46	404.82	5.9	1,390
North Carolina	12,892	21,326.36	2,560.50	10.7	2,713
South Carolina	1,632	2,451.07	201.35	7.6	732
Virginia	2,985	5,134.74	582.59	10.2	498
Total	22,754	37,873.00	3,884.12	9.3	5,949

Source: ASCS mimeographed reports.

TABLE 7.—*3-year summary of participation, showing characteristics of allotments and acreage transferred by lessors, number of lessees, production, and allotment adjustment*

	1962	1963	1964
1. Number of allotments leased out	16,328	22,068	28,703
2. Percent increase over 1962		35.2	75.8
3. Number of acres transferred	23,698.93	33,117.29	41,757.12
4. Percent increase over 1962		39.7	76.2
5. Percent of allotments transferred	8.1	11.0	14.5
6. Percent of acres transferred	3.2	4.7	6.5
7. Number leasing-in allotments	13,584	17,945	22,754
8. Percent increase over 1962		32.1	67.5
9. Acreage grown under transfer program	21,512.35	29,950.92	37,873
10. Percent increase over 1962		39.2	76.1
11. Acreage reduction due to normal yield difference	2,186.58	3,166.37	3,884.12
12. Percent acreage reduction due to normal yield	9.2	9.6	9.3

Source: ASCS mimeographed reports.

TABLE 8.—*Percent of Flue-cured allotted acres harvested and not harvested, by years, 1959–64*

Year	Allotted acres	Harvested acres	Percent of acres harvested	Percent of acres not harvested
1959	712,558.33	687,736.40	96.5	3.5
1960	713,396.53	686,277.90	96.2	3.8
1961	714,203.32	692,717.93	97.0	3.0
3-year total	2,140,158.18	2,066,732.23	96.6	3.4
1962	745,238.34	724,911.84	97.3	2.7
1963	708,488.99	690,629.94	97.5	2.5
1964	638,240.63	622,874.71	97.6	2.4
3-year total	2,091,967.96	2,038,416.49	97.4	2.6

Source: ASCS mimeographed reports.

PARTICIPATION IS INCREASING

In 1962, 16,300 farmers leased out 23,700 acres of Flue-cured tobacco allotments to others. The next year 22,068 farmers leased allotments totaling 33,100 acres in the 6 Flue-cured tobacco producing States. A further increase was noted in 1964 when 28,700 producers leased out 41,800 acres.

The acreage leased in after acreage adjustment was 21,500 acres, involving a reduction of 2,200 acres for 1962. For 1963, 18,000 producers leased in 30,000 acres, after an acreage adjustment of 3,200 acres. Participating in the lease-in phase for 1964 were 22,750 farmers who leased in 37,900 acres after a 3,900-acre adjustment.

The number of farmers utilizing the program increased from 8.1 percent of farmers on whose farms allotments were established in 1962 to 14.5 percent of the farms in 1964. By comparison, the percent of acreage transferred increased from 3.2 percent in 1962 to 6.5 percent in 1964. Even though the acreage was not very large—6.5 percent of the total allotment—1 out of every 7 allotments was transferred in 1964.

Participation varied inversely to the importance of Flue-cured tobacco within the States and among the States. For example, 30 percent of the 1964 allotments were transferred in Alabama while only 13 percent were transferred in North Carolina. A review of participation by counties showed that participation was highest in fringe and near urban areas. The high participation in counties in or adjacent to urban areas reflects the fact that many people have better employment alternatives.

UNDERPLANTING

Historically, underplanting of allotments has been highest in counties near urban areas. The lease and transfer program has probably caused a decline in the number of underplanted allotments. In North Carolina the number of allotments not planted fell 35 percent from 1961 to 1963. Where allotments would not have been planted, the lease and transfer program is a 100-percent gain for the allotment owner. This is due to the fact that the owner received some return from the allotment established for his farm which he would not have received otherwise.

The increased production from underplanted allotments has been small. For the 3-year period 1959–61, the actual harvested acreage of Flue-cured tobacco in the 6 States averaged 96.6 percent of the allotted acreage. For the years 1962–64, the actual harvested acreage averaged 97.4 percent of the total acreage allotment. The difference of 0.8 percent may partly represent the increased acreage planted during the first 3-year period that lease and transfer was authorized. It is also significant to note that there has been a downward trend in underplanting allotted acreage for several years, and that a portion of the difference of 0.8 percent may be a part of this decline.

The opportunity to lease and transfer the tobacco allotment has certainly helped the Florida tobacco farmer where 29 percent of the allotments were transferred. A substantial number of Florida tobacco growers are in the Eighth Congressional District.

SMALL OWNERS PARTICIPATION

Participation by owners of small allotments has been larger than by owners of larger allotments. The average allotment leased and transferred is only 40 percent as large as the average sized allotment. The average rented allotment was 1.45 acres in 1964 compared with average allotment of 3.25 acres. Economic studies show that the reason for this is that small allotments are of least value to their owners. Cost of production per pound of Flue-cured tobacco produced are generally higher because labor, machinery, and barns are less efficiently utilized. Another factor is that a small allotment may keep a producer from using his labor in an alternative full-time use which would be more profitable.

Many farmers leased-in allotments from more than one owner. Since the size of the allotments was small and there was a 5-acre limitation, this result was expected. The number of farmers leasing-in from more than one allotment owner increased from 2,700 farmers in 1962 to 5,900 farmers in 1964.

When a farmer considers whether or not he will lease-in or lease-out his allotment, he needs to analyze his net returns from an acre of Flue-cured tobacco. It is the per-pound cost and not the per-acre cost that is important. Low per-pound costs are nearly always associated with high yields.

It follows that high-yield producers tend to lease-in acreage from low-yield producers. Acreage was reduced by 9 percent in each of the 3 years for differences in normal yields. The statute required adjustment of acreage when the normal yield of the farm on

which the allotment was grown exceeds the normal yield of the farm from which the allotment was leased by 110 percent. This proviso was included to eliminate the yield-increasing effects of the lease and transfer program.

In another study made during the summer of 1962 of a sample of farmers in three North Carolina counties, findings indicate that acreages were adjusted downward on 50 percent of the transferred allotments. Almost exactly 25 percent of the leases were within the 10-percent range not requiring adjustment, while the remainder had normal yields less than those renting-out allotments. Based on this sample there is little evidence that the 10-percent normal yield range within which there is no acreage adjustment led to expanded production.

In a third study some of the economic effects of transferability of Flue-cured tobacco allotments were analyzed. The acreage allotment for a farm is one of the limitations on the amount of tobacco which can be produced. There are a number of other factors or resources which influence the production of a crop. These resources include type and quality of land, availability of water and equipment for irrigation, fertilizer, labor, capital, and equipment including barns and curing equipment. The reorganization and redistribution of resources among farmers is a continuous process. The lease and transfer of an allotment from one farm to another farm is such a reorganization.

Leasing allows low-cost producers to bid resources away from producers with high costs or who do not desire to continue as tobacco farmers. Proponents of transferability point out that the farmer who can manage additional acreage more efficiently on his own farm can increase net revenue by consolidating several allotments. For the high-cost producer, transfer of the allotment allows him to utilize his resources in some other more profitable alternative. Proper safeguards may be included which will limit production to a degree so that there will not be a large increase in production which would necessitate further acreage allotment cuts. Another trend which favors consolidation of allotments is increasing importance of mechanized harvesting.

Opponents of transfer contend that transferability will result in concentration of Flue-cured tobacco acreage on a relatively few large farms which would hurt the position of the family farm. Another charge is that transferability would be a step toward licensing the right to grow tobacco. It is argued that permitting the leasing of allotments allows the farm operator to determine who will grow tobacco, which is contrary to the basic concept that the allotment must be grown on the tract of land on which the allotment was established. Another allegation is that transferability will increase tobacco production, which will cause first, excess production; second, increased purchases under the price support program; third, depressed prices; and fourth, consequent acreage reductions in future years.

Adjustments for differences in normal yield differences greater than 10 percent means that little if any increased production can come about by farmers with high yields renting from farmers with lower yields.

Differences in evaluation of the effects of transferability may be partly attributed to a lack of understanding of the economic effects of transferability. The possible economic effects of transferable allotments on farmers who would, first, lease-in or transfer in tobacco acreage; second, lease-out or transfer the farm allotment to another; or, third, retain their present allotments, were studied. The possible effects on the quantity produced were then analyzed. The major factor in determining whether or not a producer would lease-in or lease-out tobacco under an allotment transfer program is the cost per pound of producing tobacco. Their cost is influenced by many factors. The most important of these are, first, yield per pounds per acre; second, wage rates—which directly influence labor costs—and, third, the farm allotment.

The cost of producing flue-cured tobacco and net returns for different levels of yields, wages, and price per pound were estimated. Yield was shown to have a considerable effect on the cost of production. For example, other factors being equal, production costs were 4.1 cents per pound greater for a yield of 1,530 pounds per acre than for a yield of 2,070 pounds per acre. Production costs were 13.2 cents per pound more where the average wage was $1.10 per hour than with an average wage of $0.50 per hour. When wages and yields were both varied, the effects were more significant. Production costs with a 1,530-pound yield and a $1.10 wage rate were estimated to be 17.2 cents per pound higher than the estimated cost with a 2,070-pound yield and a $0.50 per hour average wage.

The study concluded that the size of the allotment did not appear to have a material effect on the cost of production where modern tobacco-producing techniques were used except where the size of the allotment was very small—less than 2 to 3 acres. Since approximately 90 percent of the tobacco labor is in primarily nonmechanized operations, it was estimated that about the same number of hours of labor are required for each acre produced when the allotment size is 1 acre as when it is 10 acres. Generally other nonmachine and nonlabor production factors as fertilizer and insecticides cost about the same in terms of per acre cost, regardless of acreage.

For extremely small allotments—those of less than 2 to 3 acres—per acre and per pound costs are usually higher than for large allotments because not enough tobacco is produced to fill a barn from each priming. This results in greater curing and overhead costs per pound for these small allotments.

In an economic sense, a tobacco barn is a limiting factor in the production of tobacco. A curing barn has a certain capacity—for example 4 acres. The cost of curing a barn of tobacco would not vary significantly if the barn is filled to its rated capacity, or is one-half full. Fuel, labor, and overhead costs would be approximately the same whether the barn was full or partially full. Since the curing cost would be approximately two times as much per pound in a case where the barn was one-half full than where the barn was filled, production costs would be significantly higher. Generally, per pound production costs are greater on the small allotment farms.

The other alternative facing a farmer with a small Flue-cured tobacco allotment is to cure his tobacco in a neighbor's barn. This involves additional costs of handling, hauling, labor, and others which cause his cost per pound of producing tobacco to be higher.

It is probable that cost reduction possibilities will increase for substantially larger acreages with the adoption of mechanized harvesting equipment and bulk curing. These labor-saving technological developments require larger initial outlay which result in large overhead costs. Since these innovations require large expenditures, a producer will adopt the new practices only when he expects it to pay by decreasing production costs on a per pound basis. As the level of output increases, the per pound production cost is decreased by spreading the investment over a larger volume of output. Conversely let me point out that total costs per pound will increase if a producer operated at the same or a lower level as prior to the adoption of technological improvement because of the larger annual overhead cost. When bulk curing barns are adopted widely through the Tobacco Belt and mechanical harvesting equipment is perfected, the demand for transferability may be expected to increase.

TO RENT OR NOT TO RENT

A statement concerning the lease and transfer program would be incomplete without a few comments as to the decision facing a farm operator as to whether or not he will rent an allotment? If the answer is to rent, how much can he afford to pay?

The rental rate for an allotment is arrived at by agreement between a renter and owner bargaining freely in what amounts to a loosely organized market. There is no formal auction or rental rate reporting service. Nevertheless there is a market.

The allotment owner faces four alternatives—grow it, or rent it on shares, or for cash rent on his own farm, or lease and transfer the allotment to another farm. A renter must cover costs and expect to have some income left over to make it worthwhile to rent. Costs, yield, and prices are critical factors in determining whether it will pay to rent-in additional acreage, and the amount that a farmer can afford to pay.

The rent paid within a county depends largely on normal yield. This comes about because acreage transferred is adjusted for yield differences of more than 10 percent, essentially making the program a poundage transfer program. The average rental rate per pound in 1963 in eastern North Carolina was about 18 cents per pound of normal yield, compared with about 9 cents per pound in Gilford County. The higher rental rate in eastern North Carolina is a reflection of higher yields and lower farm wage rates in that area.

To illustrate the importance of yield, costs, and prices in making a decision as to rent or not to rent, let me use two examples. In one case assume total costs are $720 and that 2,200 pounds are produced and sold for 58 cents per pound, the gross income per acre is $1,276 and the farmer has $556 to pay for rent and his management. A second example involves total costs of $800 per acre and production of 1,800 pounds which was sold at 58 cents per pound. Total income is $1,044 and there is $244 left over to pay rent and the farmer for his management.

A discussion of renting would be incomplete without mentioning that the renter has assumed the risk. In the above two examples a 10-percent decrease in yield or price would have considerably reduced the amount available for rent and management.

ADMINISTRATIVE COSTS

In a study estimates of the average administrative costs for handling the lease and transfer of tobacco allotments were secured. The estimated average cost was slightly less than $4 per allotment leased and transferred. The cost covers the administrative work performed by county ASCS offices in handling the extra workload.

CONCLUSIONS

A review of the lease and transfer program during its first 3 years of operations leads to the following conclusions.

First, important numbers of farmers have participated. This fact may have helped release farmers from farm employment and to encourage these operators to find off-farm employment. It may have helped other farmers switch to more profitable alternatives. In some cases the program may have assisted allotment owners to retire. In any event, voluntary participation of 28,700 allotment owners is evidence that the program increased their welfare and income.

Second, the total expenditure of resources involved in the production of tobacco was reduced. Barns, equipment, and other resources are more efficiently utilized. Time and labor costs involved in traveling from one rented plot to another was reduced. These factors increased growers' net income from tobacco.

Third, it may be concluded that important resource savings will take place by improvement of production to land favored by 20 years of change. The program has been in effect too short a time to determine this effect.

Fourth, the program is not important in terms of the effect on total Flue-cured tobacco production transferred. By the same token, it has had little effect on total output. The underplanted acreage has been decreased, although the effect of this is very insignificant in terms of total acreage planted. There are little or no yield-increasing effects, by virtue of the operation of the 10-percent normal yield adjustment.

Fifth, the administrative costs of leasing and transferring an allotment were very small in terms of its overall effect. Overall administrative costs of the operation of the tobacco program were increased slightly.

Sixth, other forms of transfer by lease or by sale can be handled administratively if authorized by statute.

Seventh, experience gained in handling lease and transfer over a 3-year period reflects the fact that other changes in program operations can be made. These can be administered efficiently if the guidelines and limitations are clearly spelled out by law and administrative regulations.

THE INTERGOVERNMENTAL COOPERATION ACT OF 1965

Mr. MATTHEWS. Mr. Speaker, I ask unanimous consent to extend my remarks in the body of the RECORD and include extraneous matter.

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

There was no objection.

Mr. MATTHEWS. Mr. Speaker, it is a pleasure to join with the distinguished gentleman from North Carolina [Mr. FOUNTAIN] and other of my colleagues, in introducing legislation which would implement a number of recommendations which have evolved following years of intense study and research by the Advisory Commission on Intergovernmental Relations and the Intergovernmental Relations Subcommittees of the House and Senate.

The bill which I am cosponsoring, cited as "The Intergovernmental Cooperation Act of 1965," is comprised of five titles. It has as its primary objective the increasing of effective cooperation between the Federal Government and the States and their political subdivisions, and establishing a greater degree of consistency among the many Federal aid programs now in operation. Briefly, the five titles of the bill would—

First, provide that Governors and State legislatures be fully informed, upon request, about all Federal grants made to their States, and that grant funds be more uniformly and efficiently administered;

Second, provide for periodic congressional review of new Federal grant-in-aid programs to insure that such programs are examined systematically and are reconsidered in the light of changing conditions;

Third, permit State and local governments to contract with Federal agencies for technical assistance and training which the State and local governments themselves cannot economically provide;

Fourth, establish a more uniform urban assistance policy. By encouraging a broader review at the metropolitan area level of applications for Federal grants and loans affecting urban development, the bill would strengthen metropolitan planning machinery and contribute to more orderly metropolitan growth. It also favors the eligibility of cities, counties and towns as recipients of Federal aids in preference to special purpose districts and authorities which are not directly responsible to the voters; and

Fifth, require that the Federal Government, to the extent possible, acquire, use, and dispose of urban land in a way that is consistent with local planning objectives.

It is believed that this measure would be a real stride forward in contributing to the efficient administration of Federal funds to States and municipalities, where such a need has arisen in a restlessly expanding society in this century of progress.

The objectives of this legislation have my enthusiastic support, and I hope that prompt action will be taken by the Congress on this proposal aimed at strengthening the harmonious relationships between the Federal Government and State and local governments throughout our great Nation.

EXPOSÉ OF GIVEAWAY PROGRAM

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

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

There was no objection.

Mr. GROSS. Mr. Speaker, through the years no Member of the Congress, House or Senate, has worked harder or more diligently than has the Honorable OTTO E. PASSMAN, Democrat of Louisiana, to provide the public with the facts concerning the so-called foreign aid program.

As chairman of the Foreign Operations Subcommittee of the House Appropriations Committee, the gentleman from Louisiana [Mr. PASSMAN] has courageously refused to yield to those who would have spent additional billions of dollars had he not challenged them to justify the increased handouts.

Although, and as he says, there has been "frightful waste built into this program," I can say that from 16 years of close observation of the administration of foreign aid that the waste and weaknesses of the program would have been infinitely worse had it not been for OTTO E. PASSMAN.

This Nation owes him a debt of gratitude.

Prior to opening hearings by this subcommittee to the request for funds by the Agency for International Development—AID—for fiscal year 1966, Mr. PASSMAN has painstakingly put together a statement of facts, accompanied by supporting figures and other data which ought to be read by every citizen of this Nation and certainly by every Member of Congress.

Mr. PASSMAN's statement follows:

STATEMENT BY MR. PASSMAN

In an effort to be helpful, I am furnishing you with fact sheets relating to the foreign aid program handled by the Foreign Operations Subcommittee on Appropriations. (There are many other foreign aid programs carried in other bills.) There are now 22 Federal agencies dispensing some type of foreign aid, and the total for fiscal 1966 doubtless will exceed $7 billion. This does not include interest our Government is paying on the money it has borrowed to give away which is now in excess of $3½ billion annually.

AID's system of obligating, deobligating, and reobligating, and funding projects in excess of the cost to complete, makes it impossible for even the most dedicated Member

to determine what part of the unliquidated funds are firmly committed. AID's final figures show that there will be unliquidated funds, old and new, to be committed or disbursed during fiscal 1965 of $11,027 million.

For your information, our Government will be disbursing some type of foreign aid during fiscal 1965 in 99 foreign nations and 9 territories. I contend that this program, in its present form, is uncontrolled and apparently uncontrollable. There are 71,416 individuals, including participants, on its payrolls. It has reached such proportions that even the confusers are confusing themselves. No program in the history of mankind has had as many paid lobbyists as the foreign aid program. It would take many, many pages, if not a book, to list the names of all individuals who are lobbying for or are recipients of the program.

The foreign aid program is not in reality a Presidential program, although it is submitted to the Congress in his name. It is a bureaucratic program. The President has too much to do to be able to familiarize himself with the many ramifications, misrepresentations, and claims of accomplishment by the paid bureaucrats, Government lobbyists, spenders, and recipients. Therefore, I cannot, with good conscience, remain silent. I must do everything possible to continue exposing the weaknesses of the program and the unsubstantiated claims for good made by the spenders and disbursers of America's wealth.

Hearings on the budget request for foreign aid for fiscal 1966 will soon get underway. I expect to continue this year, as in the past, exposing the frightful waste built into this program. If you will read the attached sheets, you will fully understand why I must continue exposing the weaknesses and wastefulness of this program.

Mr. Speaker, at this point in the RECORD, I insert a statement by Mr. PASSMAN on the outflow of our gold together with tables showing the sales of gold to foreign countries which have been the beneficiaries of our foreign aid—handout—programs:

The foreign aid program has been the primary reason for our serious "gold outflow" to foreign countries. Undoubtedly you will agree after analyzing the following: On December 31, 1957, our gold stockpile amounted to $22,857 million. On December 31, 1963, our gold stockpile had dwindled to $15,596 million, a drop of $7,261 million in 6 years. During this same period of time, the 57 countries listed below received $12,436,400,000 in military and/or economic assistance from the United States. Also, during this same period, these nations purchased $6,977,800,000 of our gold:

Net sales of U.S. gold to foreign aid program recipients

[In millions of dollars—Negative figures represent net sales by the United States; positive figures represent net purchases]

Country	1958	1959	1960	1961	1962	1963	Total
Algeria						−$15.0	−$15.0
Argentina	+$67.2		−$50.0	−$90.0	+$85.0	−30.0	−17.8
Austria	−84.2	−$82.7	−1.1		−142.5	−32.1	−342.6
Belgium	−329.4	−38.5	−140.9	−144.4	−63.9		−716.2
Burma			−3.8		−20.9		−24.7
Cambodia			−12.0	−3.1	−1.7	+3.2	−13.6
Cameroon Republic						−1.9	−1.9
Central African Republic						−.7	−.7
Ceylon		−7.5					−7.5
Chad						−.7	−.7
Chile	+3.0	−1.3	−2.0	−6.6			−6.9
Congo (Léopoldville)						−3.1	−3.1
Costa Rica				−2.3	−.5		−2.8
Cyprus				−2.0			−2.0
Dahomey						−.8	−.8
Denmark	−17.0	−15.0	−15.0	−35.0	+15.0		−67.0
Dominican Republic				−3.0			−3.0
Ecuador					−3.2	−2.3	−5.5
Egypt			−7.5	−7.8	−1.2	−2.2	−18.7
Country A		−4.7	−3.0				−7.7
France		−265.7	−173.0		−459.1	−517.7	−1,415.5
Gabon						−.7	−.7
Germany (West)			−33.8	−22.5			−56.3
Ghana			−5.6				−5.6
Greece		−15.0	−47.0	−10.2	−19.1		−91.3
Guinea						−2.8	−2.8
Honduras			−.8				−.8
Indonesia		−11.0	−24.9				−35.9
Iran	−2.3		−.4	−16.1		−5.9	−24.7
Iraq			−29.8				−29.8
Israel		−4.4			−10.0	−7.0	−21.4
Italy	−348.8			+100.0			−248.8
Ivory Coast					−1.5		−1.5
Japan	−30.1	−157.4	−15.2				−202.7
Korea		−1.6					−1.6
Laos				−1.9			−1.9
Lebanon				−21.0	−32.1		−53.1
Mauritania						−.8	−.8
Mexico		−30.0	−30.0			−4.0	−54.0
Morocco			−21.0				−21.0
Netherlands	−260.9	−29.9	−249.4	−24.9			−565.1
Niger						−.8	−.8
Nigeria				−20.0			−20.0
Pakistan			−12.5				−12.5
Peru			−15.0	−5.0	−.6	−10.6	−31.2
Portugal	−20.0	−10.0					−30.0
Saudi Arabia			−11.3	−47.5	−12.6		−71.4
Senegal						−1.7	−1.7
Somalia					−1.9		−1.9
Spain	+31.7		−113.7	−156.2	−146.1	−130.0	−514.3
Surinam	−2.5		−2.5		+2.5		−2.5
Syria			−2.1		−1.3	−.4	−3.8
Tunisia			−.5		−.5	−.5	−1.5
Turkey			−6.1	−2.5	−1.1	+2.0	−7.7
United Kingdom	−900.0	−350.0	−550.0	−305.7	−387.0	+329.2	−2,163.4
Upper Volta						−.8	−.8
Yugoslavia		−1.5	−15.9		−1.5	−1.9	−20.8
Net sales of gold	−1,893.3	−1,026.2	−1,585.8	−827.7	−1,204.9	−439.9	−6,977.8

Calendar year 1964 figures on the gold outflow, which will be even more serious, are not yet available in certified form. Do you not agree that the above verified information conveys a true story as to the effect foreign aid is having on our gold reserves, balance-of-payments position and public debt?

Gold holdings (free world countries)

	Million
U.S. gold holdings on Dec. 31, 1952	$23,252
U.S. gold outflow to foreign countries, 1952 through 1964	7,864
U.S. gold holdings on Dec. 31, 1964, reduced to	15,388
Gold holdings other countries [1] Dec. 31, 1952	13,028
Gold holdings increase other countries, 1952 through 1964	11,829
Gold holdings other countries, Dec. 31, 1964, increased to	24,857

[1] Does not include Sino-Soviet bloc.

U.S. short-term dollar claims held by foreign countries (free world)

Foreign dollar holdings on Dec. 31, 1952	$10,546,100,000
Increase in foreign dollar holdings 1952 through 1964	17,260,900,000
Foreign dollar holdings on Dec. 31, 1964, increased to	27,807,000,000

U.S. balance-of-payments position

Net deficit:	Million
1950	−$1,912
1951	−578
1952	−1,100
1953	−2,100
1954	−1,500
1955	−1,100
1956	−1,000
1957 (only credit in 15 years)	+500
1958	−3,400
1959	−3,700
1960	−3,800
1961	−2,400
1962	−2,200
1963	−2,660
1964	−3,006
U.S. deficit, 1950 through 1964 inclusive	−29,956

Gross public debts

	Million
U.S. public debt on Dec. 31, 1964	$318,463
Other free world countries (latest available estimates)	232,628
U.S. debt exceeds debts of other free world countries by	85,835
U.S. debt exceeds all other countries of world by (estimate)	34,300

The above clearly indicates what the foreign aid program is doing to the U.S. gold reserves, balance-of-payments position, and public debt. There was an operating deficit of $8,266 million for the fiscal year that ended June 30, 1964.

Finally, Mr. Speaker, I insert in the RECORD a table by Mr. PASSMAN showing that the dispensers of foreign aid, far from being short of funds, have available for spending in this fiscal year more than $11 billion.

Foreign aid funds by program and amount (available for expenditure in fiscal 1965)

TITLE I—FOREIGN AID

1. Military assistance:		
Old funds, June 30, 1964	$2,055,513,324	
New funds, fiscal 1965	1,055,000,000	
		$3,110,513,324
2. Development grants:		
Old funds, June 30, 1964	309,618,868	
New funds, fiscal 1965	204,600,000	
		514,218,868
3. American schools and hospitals abroad:		
Old funds, June 30, 1964	514,696,865	
New funds, fiscal 1965	16,800,000	
		32,496,865
4. Surveys: Investment opportunities:		
Old funds, June 30, 1964	1,428,545	
New funds, fiscal 1965	1,600,000	
		3,028,545
5. International organization and programs:		
Old funds, June 30, 1964	71,449,977	
New funds, fiscal 1965	134,272,400	
		205,722,377
6. Supporting assistance:		
Old funds, June 30, 1964	324,741,587	
New funds, fiscal 1965	401,000,000	
		725,741,587
7. Contingency fund:		
Old funds, June 30, 1964	190,324,735	
New funds, fiscal 1965	99,200,000	
		289,524,735
8. Chilean reconstruction: Old funds, June 30, 1964		9,599,023
9. Alliance for Progress:		
Old funds, June 30, 1964	1,196,813,996	
New funds, fiscal 1965	509,700,000	
		1,706,513,996
10. Development loans:		
Old funds, June 30. 1964	2,100,499,647	
New funds, fiscal 1965	773,727,600	
		2,874,227,247
11. Administrative expenses, AID:		
Old funds, June 30, 1964	7,748,741	
New funds, fiscal 1965	51,200,000	
		58,948,741
12. Administrative expenses, State:		
Old funds, June 30, 1964	68,470	
New funds, fiscal 1965	2,900,000	
		2,968,470

TITLE I—FOREIGN AID—continued

13. Acquisition of property: Old funds, June 30, 1964		$3,349,436
14. Investment guarantees: Old funds, June 30, 1964		273,263,256
Total, title I, available for expenditure in fiscal year 1965		9,810,116,470

TITLE II—FOREIGN AID (OTHER)

15. Peace Corps:		
Old funds, June 30, 1964	$42,657,257	
New funds, fiscal 1965	104,100,000	
		146,657,257
16. Army: Ryukyu Islands:		
Old funds, June 30, 1964	3,200,360	
New funds, fiscal 1965	14,441,000	
		17,641,360
17. State: Migrants and refugees:		
Old funds, June 30, 1964	6,704,233	
New funds, fiscal 1965	8,200,000	
		14,904,233
18. HEW: Cuban refugees:		
Old funds, June 30, 1964	6,201,703	
New funds, fiscal 1965	42,589,000	
		48,790,703
19. Inter-American Development Bank:		
Old funds, June 30, 1964	200,000,000	
New funds, fiscal 1965	205,880,000	
		405,880,000
20. International Development Association:		
Old funds, June 30, 1964	521,566,410	
New funds, fiscal 1965	61,656,000	
		583,222,410
Total, title II, available for expenditure in fiscal year 1965		1,217,095,963

RECAPITULATION

1. Old funds (from prior years), title I, June 30, 1964	6,560,116,470
2. Old funds (from prior years), title II, June 30, 1964	780,229,963
3. New funds appropriated, title I, fiscal, 1965	3,250,000,000
4. New funds appropriated, title II, fiscal, 1965	436,866,000
Grand total, titles I and II, available for expenditures in fiscal year 1965	11,027,212,433

GUARANTEEING RIGHT TO VOTE

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

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

There was no objection.

Mr. ARENDS. Mr. Speaker, I intend to give my support to appropriate legislation, now under consideration by our Committee on Judiciary, designed to guarantee to each eligible citizen his right to register to vote. It is important that we insure this constitutional right of our citizens. It is also important that we give full recognition to the sovereign rights of our individual States.

But, Mr. Speaker, this guaranteed right to register and to vote becomes meaningless unless one can exercise his voting right free from coercion of any kind and unless there are guarantees that his vote will be counted. Much ado is made about the denial of the Negroes right to register to vote in the South, and we propose to take steps to correct that situation. But little is said and nothing is done, or proposed to be done, about the manner in which the political machines in the cities of the North through coercion, intimidation, threats, and even fraud deny our citizens the free exercise of their voting rights.

One's constitutional right does not begin and end with the right to register. It also includes the free exercise of the voting franchise and the guarantee that a vote properly cast by an eligible voter will be counted; and, further, that valid votes will not be offset by the counting of invalid votes cast by ineligible voters.

In our consideration of voting rights I urge that appropriate provision be made to guarantee the integrity of the ballot.

I am including as a part of my remarks the telegram I received from Hon. Timothy P. Sheehan, chairman of the Cook County Republican Central Committee, and former Member of this House from our State of Illinois:

CHICAGO, ILL.,
March 19, 1965.

Hon. LESLIE C. ARENDS,
House Office Building,
Washington, D.C.:

Suggest every Illinois Republican House Member meet with Senator DIRKSEN to propose amendments to the new bill guaranteeing voting rights to protect the voter against intimidation, threats of loss of public housing, loss of aid to dependent children allowances, loss of public assistance, and offers of bribery for votes. Stiff penalties should be written into the new law so that the voter can properly exercise his free will and judgment without fear or intimidation, as well as stern penalties for failure of election officials to count and tally the votes properly in order to prevent the many abuses which take place in Chicago and other major cities.

TIMOTHY P. SHEEHAN,
Chairman, Republican Central Committee of Cook County.

THE LATE L. MITCHELL WHITE

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

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

There was no objection.

Mr. HUNGATE. Mr. Speaker, on the recent death of my warm friend, L. Mitchell White, of Mexico, Mo., the State of Missouri and its Ninth District lost one of our most outstanding citizens.

L. Mitchell White was widely loved and respected by his many friends, and I, as one of them, will miss him.

A tribute was written in the Washington Post which I would like to share with my colleagues:

L. M. WHITE, PUBLISHER, 81

MIAMI BEACH, FLA., March 17.—L. Mitchell White, 81, publisher of the Mexico (Mo.) Ledger, died here yesterday of injuries received when struck by a car January 14.

A veteran newspaperman, Mr. White was widely known in journalistic circles throughout the Midwest.

He was past president of the Missouri Press Association and Missouri Associated Dailies and founder and past president of the 800-member Inland Daily Press Association.

Last year, Mr. White received the University of Minnesota's Distinguished Service Award in Journalism. The University of Missouri conferred on him an honorary doctor of laws degree for service to journalism.

His son, Robert M. White II, was onetime president of the New York Herald Tribune and currently coeditor of the Ledger with his father.

SIMON R. CASADY, PRESIDENT, CALIFORNIA DEMOCRATIC COUNCIL

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

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

There was no objection.

Mr. VAN DEERLIN. Mr. Speaker, along with other members of the California delegation, I am happy to call attention to the election, yesterday, of Simon R. Casady as statewide president of the California Democratic Council.

A recently retired daily newspaper publisher living in El Cajon, Calif., Mr. Casady will bring an unusual background to this highly important political post in the Nation's No. 1 State. To the California Democratic Council, perhaps more than any other political entity, goes the credit for reforms in California's elective system over the past decade—not the least of these, success of prolonged efforts to rid California of its outmoded cross-filing system in primary elections.

It is to be hoped, now, that the California Democratic Council under new leadership will help unite California Democrats under the forward-looking leadership of Gov. Edmund G. "Pat" Brown.

Mr. Speaker, the organization's new president, Si Casady, is a product of our great Southwest, and a longtime friend of President Lyndon Johnson.

He was born August 17, 1908, the second of five children in the family of an Episcopal priest. His father, the late Right Reverend Thomas Casady, later became Bishop of Oklahoma. Young Casady attended three universities—Sewanee, Iowa, and Oklahoma—but was lured into newspaper work before obtaining a degree. He spent the year 1930 in Europe where, as an interesting sidelight, he earned a German license as a glider pilot.

Returning to Oklahoma, Casady worked 3 years as a reporter, leaving the Associated Press in 1936 to become editor—at age 29—of the McAllen, Tex., Monitor. Ten years later he was made general manager of the lower Rio Grande newspaper chain that combines McAllen, Brownsville, and Harlingen. He made these papers perhaps the most fortright and progressive. It was at this stage of his career that Casady came to the attention of a new U.S. Senator from Texas who was destined to become President.

In 1950 Eugene Pulliam, owner of newspapers in Indianapolis and Phoenix, installed Casady as publisher of the Phoenix newspapers, the Republic and Gazette. Under Si's management these properties prospered in a rapidly expanding community.

In 1953, Si bought what was then a semiweekly in El Cajon, the Valley News. With the help of five growing sons, he built it into one of the county's three daily newspapers outside the city of San Diego.

Not the least of Casady's assets as a California Democratic Council president will be a beautiful and intelligent wife. Virginia Casady, a graduate of Hood College, Va., is a member of both the State Library Development Board of California and the State Democratic Central Committee.

ALABAMA CLERGYMEN DENOUNCE DEMONSTRATIONS

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

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

There was no objection.

Mr. SELDEN. Mr. Speaker, contrary to the belief of many persons throughout the country, all members of the clergy of this Nation do not endorse the demonstrations that are currently taking place in my home State of Alabama. As a matter of fact, there are members of the clergy on the scene who have denounced the demonstrations and have urged outsiders to leave and allow Alabama to solve her own problems. The heads of both the Catholic and Episcopal churches in Alabama have denounced the "marchers" and have urged members of their denominations from outside Alabama to return to their homes.

The following article from the Thursday, March 18, issue of the Birmingham News contains the remarks of Archbishop Thomas J. Toolen, of the Mobile-Birmingham diocese:

TOOLEN DENOUNCES OUTSIDE PRIESTS, NUNS

(By Ted Pearson)

MOBILE, March 18.—Participation by Catholic priests and nuns in Alabama's racial demonstrations has been severely denounced by the archbishop of Mobile-Birmingham diocese.

In addition, Archbishop Thomas J. Toolen also charged Martin Luther King, Jr., is trying to divide our people.

The archbishop, in an address at the St. Patrick's Day banquet here Wednesday night. made known his views about some aspects of the racial crisis in the State today.

He said the demonstrations "are not helping things at all," and declared "a great injustice is being done to the State of Alabama."

As for the priests and nuns who have been taking part in the demonstrations at Selma and Montgomery, Toolen had this to say:

"We are living in a strange age. They asked me why do the priests and sisters come from other States and Canada to take part in these demonstrations. Certainly the sisters are out of place in these demonstrations. Their place is at home, doing God's work. I would say the same thing is true of the priests.

"As to whether they have permission to come in, they haven't asked for it. It is customary to ask permission in such cases."

But Toolen said today he does not have canonical jurisdiction over them. Only the bishop in their diocese could call them back home, he said.

He said if they were answerable to him, they wouldn't be here.

The archbishop is answerable in turn only to the Holy Father, the Pope, he said.

"What do they know about conditions in the South? I am afraid they are only eager beavers who feel there is a holy cause."

At one time, according to Toolen, he had information there were as many as 50 nuns and 200 priests from outside Alabama in the Selma demonstrations.

The archbishop said he had ordered the priests and nuns who reside at Selma not to take part in the demonstrations.

Pointing out that "some corrections in our attitude toward the Negro people" are needed, Archbishop Toolen said that "here in Mobile, where the problem has been handled sensibly, we've had no trouble. Sane and sensible Negroes realize we are trying to bring them up to the standards they should have.

"But do we need crusaders coming in from other States to tell us how to run the State of Alabama? There are certainly things that need correcting, but with the sane help of our people they will be corrected in time. The demonstrations are not helping."

Toolen voiced his respect for Dr. King as a man of religion, but he criticized the Negro leader for "taking children out of school to demonstrate on the streets."

He also declared that King is "hurting the cause of the Negro rather than helping it."

Speaking of the current image of the State, Toolen said, "We are pilloried before the world as savages. No fault is given to those in this State who are really trying to work out the solution. No credit is given to the people for trying to solve the question.

"Let us be sensible. We know that all men, regardless of race or color, are made after the image of God. We know that all are redeemed by the blood of Jesus Christ. All citizens are entitled to equal right and privileges under the Constitution. But these problems must be solved in a lawful way.

"There are crazy people on both sides. As good citizens of Alabama, we should try to control them."

In this same connection, the Right Reverend C. C. J. Carpenter, Episcopal bishop of Alabama, urged all Episcopal priests and laymen taking part in the "marches" to leave the State of Alabama. Bishop Carpenter declared:

I cannot be responsible for some Episcopalians from other parts of the country who have their homework so well organized that they can spend time telling us what to do in Alabama, but I hope they will soon go home and let us get on with the progress we are trying to make in this part of the country for which we feel a special responsibility.

The March 19 issue of the Birmingham News carried the following account of Bishop Carpenter's comments:

PRESIDING BISHOP SPEAKS OUT—CARPENTER URGES EPISCOPAL PRIESTS, LAYMEN TO GO HOME; DENOUNCES MARCH

Episcopal priests and laymen taking part in Alabama racial demonstrations were urged today by the presiding bishop of the Episcopal Diocese of Alabama to leave the State.

The Right Reverend C. C. J. Carpenter, bishop of Alabama, said those members of the Episcopal Church from other States should "go home" and let Alabamians solve their own problems.

Bishop Carpenter severely denounced the proposed civil rights march from Selma to Montgomery.

"This 'march' is a foolish business and sad waste of time in which the childish instinct to parade at great cost to our State will be indulged," the bishop said.

Carpenter said he hoped no Episcopalians will take part in any demonstrations or the march.

His appeal follows a strong one from Archbishop Thomas J. Toolen of the Mobile-Birmingham Diocese of the Roman Catholic Church.

Archbishop Toolen criticized Catholic priests and nuns for taking part in the demonstrations in Selma and Montgomery. He said, "Their place is at home, doing God's work."

Bishop Carpenter said in a statement:

"I cannot be responsible for some Episcopalians from other parts of the country who have their home work so well organized that they can spend time telling us what to do in Alabama, but I hope they will soon go home and let us get on with the progress we are trying to make in this part of the country for which we feel a special responsibility."

Carpenter said, however, as far as he knows "our Alabama Episcopalians have not participated, but have continued to go about their normal activities."

He urged them to continue to do so.

"As bishop of the Diocese of Alabama I earnestly hope that none of our Episcopalians will take part in the demonstrations that are causing much ill will and unnecessary unhappiness in our State." Carpenter said, "nor in the proposed 'march' from Selma to Montgomery. * * *"

He said the 50-mile march to begin Sunday under the direction of Martin Luther King "can serve no good purpose, but on the contrary can be detrimental to progress and serve only as a very costly public nuisance."

Archbishop Toolen made known some of his views about aspects of the racial crisis in the State at a St. Patrick's Day speech in Mobile Wednesday.

He said then that the demonstrations "are not helping things at all," and declared "a great injustice is being done to the State of Alabama."

As for the priests and nuns who have been participating in demonstrations in Alabama, Toolen said:

"We are living in a strange age. They asked me why do the priests and sisters come from other States and Canada to take part in these demonstrations. Certainly the sisters are out of place in these demonstrations. Their place is at home, doing God's work. I would say the same thing is true of the priests."

Toolen said he had ordered the priests and nuns who reside at Selma not to participate in the protests.

Selma public safety director Wilson Baker said Thursday the great influx of clergymen into Selma from over the Nation and world has "caused a lot of problems."

He called on the churchmen to "act peaceably and as men of God."

Earlier this week, 36 white demonstrators, largely ministers, were arrested by city police as they neared the mayor's home bearing placards.

Baker said their actions were "unreasonable."

BYELORUSSIAN INDEPENDENCE DAY

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

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

There was no objection.

Mr. MULTER. Mr. Speaker, March 25 is the 47th anniversary of Byelorussian Independence Day. On that day in 1918, Byelorussians became free and proclaimed their independence of Russia, only to be robbed of it 3 years later by the Red army. These dauntless people had been suffering under the regime of Russian czars for centuries. The czarist government had done all in its power to eliminate national traits among the Byelorussians in its effort to russify them. For many years the Byelorussian language, culture, and traditional national festivals were banned, and the authorities imposed the Russian language upon the Byelorussians. Byelorussian national literature was also proscribed, and lovers of such literature were severely persecuted. Then the government tried to spread and enforce the idea that there was no distinct and different Byelorussian national entity, and that the people of Byelorussia were Russians, pure and simple.

All such concocted and government-decreed notions were anathema to the Byelorussians. They were fully aware of the government's intent, and were determined to combat it with all the means at their disposal. They knew that any other course would have meant their extinction as a distinct entity. In the adoption of this determined course, in their vow to retain and maintain their Byelorussian cultural heritage, they displayed their wisdom, their courage, and their willingness to sacrifice and suffer in defense of these ideals. This struggle for national survival on the part of the Byelorussian people continued for centuries, and for centuries they carried on their fight on both spiritual and cultural fronts against an overwhelmingly powerful and ruthless enemy. At times their cause seemed lost, and they themselves must have felt downhearted, but they were never in despair and never doubted the righteousness of their cause. They were right. Their day came and their cause was won. They attained their long-cherished and richly deserved goal in 1918.

In causing the downfall of the czarist regime, the Russian Revolution of 1917 at first seemed a desirable by-product of the First World War, for by that single act, by the overthrow of the decrepit and detested czarist autocracy, subjugated groups in the Russian Empire were freed, and proclaimed their national independence. In Byelorussia this act was consummated not only by the united effort of the Byelorussian people, but with the support of all minority groups in Byelorussia. When a government was set up, it was recognized by a number of other sovereign states, thus welcoming the new state into the independent community of nations.

Unfortunately, the newly born Republic of Byelorussia was faced with insurmountable difficulties. At the time the country was still under German occupation, and as the Germans withdrew after the armistice, the Communist Russians began to make trouble. While the Byelorussian Republic was doing all it could to strengthen its position, the Communists were doing their utmost to undermine the authority of the Government in the country. As it turned out, the Government was never given the chance to cope with the manifold problems it was facing on all fronts. Local Communists and the agents of the Kremlin were working for the overthrow of the legally established Government, and this they did with the active aid of the Red army, which early in 1921 invaded Byelorussia. It was soon overrun and made part of the Soviet Union. Thus came to an end the independent Byelorussian Republic after a gallant but precarious existence lasting about 3 years.

Since that fateful year, Byelorussia has been and still remains part of the Soviet Union, and its helpless people victims of Communist tyranny. The agents of the Kremlin have had such a firm and unrelenting hold over the country that no effort on the part of the Byelorussian people has succeeded in loosening their deadly grip. On the eve of the last war, and even during that war, Byelorussians tried hard to get rid of their ruthless masters, but unfortunately they alone were not equal to the task. At the end of the war the Kremlin's grip over Byelorussia was even tighter, and so it remains to this day. These 10 million Byelorussians are not free today, and none of them enjoy the blessings of freedom. They are prisoners in their historic homeland, and do not even dare to celebrate their national holiday, to observe their independence day. But all lovers of freedom in the free world, and especially we in this great Republic, join hands with loyal Byelorussian-Americans in the celebration of the 47th anniversay of Byelorussian Independence Day.

MORE ALLIED SHIPS GOING TO NORTH VIETNAM IN U.S. PORTS

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

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

There was no objection.

Mr. ROGERS of Florida. Mr. Speaker, late evidence has been compiled to show that more ships of the free world have hauled Communist cargoes into North Vietnam and picked up trade from U.S. ports as well.

The vessel *Spalmatori*, owned by Spalmatori Cia. Nav., S.A., of Panama, and flying the Greek flag, sailed from Lake Charles, La., March 14, 1965, after having loaded rice. The *Spalmatori* went to Port Campha, North Vietnam, with cargo for the Vietcong in November 1964. Last year the *Spalmatori* also visited Tampa and Houston to pick up and deliver cargoes for the United States.

A week ago yesterday the *Severn River* sailed from New York where she had been tied up for a week because the International Longshoreman's Association had refused to load the ship because she had been in North Vietnam last year. The *Severn River* had also been in Richmond and Norfolk last year for the profits of American trade as well.

The ILA acted in the best interests of American labor. The American merchant marine, now employs only a fraction of the workers it used to. The U.S. shipping industry has slipped to the point where it carries less than 10 percent of this Nation's sea trade. The least we can do in this country is deprive those foreign flag interests which ship to our enemies their profits taken from U.S. shipping.

Last year a total of 15 free world ships hauled Red cargoes into Communist North Vietnam and then came into American ports to pick up or deliver shipments for the United States as well. I am inserting a list of those vessels which went to North Vietnam and the United States last year into the CONGRESSIONAL RECORD. I am making it available in the hope that it will be helpful in efforts to deter further foreign shipping interests who want to trade with America and the Red Vietcongs at the same time. The list shows the ships, their owners, the flag, and U.S. ports.

The U.S. Government has spent some $350 million in the past year in direct

subsidies to the American shipping industry. This sum shows the stake which the U.S. taxpayers have in this Nation's shipping industry. The subsidy is of limited help, and surely the cargoes moving through our ports would be of greater help if the majority of them were carried in American ships. The figure should be much greater than 10 percent, and the least the Government can do is deny American cargoes to foreign shippers trading with the enemy.

I have introduced legislation to halt shipments to or from the United States aboard flagships engaged in trade with North Vietnam. That legislation, H.R. 6154, is before the House Merchant Marine and Fisheries Committee, of which I am a member. I urge early passage of this measure as a first effort to cut the Vietcong supply line and strengthen the American shipping industry as well.

The aforementioned list follows:

Flag	Ship	Owner	Ports
Greek	Knios Belle	Pioneer Shipping Development, Inc., Panama	New Orleans.
Do	Anastassia	Tarsiano Cia. Nav., S.A., Panama	San Diego; San Francisco.
Do	Apostolos Andreas	Santa Katerina Cia. Nav., S.A., Panama	Guanica, P.R.
Do	Spalmatori	Spalmatori Cia. Nav., S.A., Panama	Houston; Tampa.
Do	Constantinos	Conquistador Cia. Naviera, S.A., Panama	Houston (twice).
Do	Alcyonis	Merculinana Cia. Nav., S.A., Panama	Cleveland; Detroit.
Do	Eftychia	Marganonis, Dem. P., & Sons. Athens	Norfolk.
Do	Katerina	Marsiguro Cia. Nav., S.A., Panama	Los Angeles.
Lebanese	Rodos	Orient Shipping Corp., Monrovia	Tampa.
Do	St. Demetrius	26th October Maritime Co., Ltd., Monrovia	New Orleans.
Italian	Cesco Corrado	Corrado Sociedad di Navigazione of Genoa	Los Angeles.
Do	Marina G. Parodi	Parodi Societa Per Azione Emanuela	New York; Baltimore (twice); Newport News; Norfolk (twice).
Panamanian	Severn River	International Navigation Corp., Liberia	Richmond; Norfolk; New York.
West German	Hugo Steinnes	Steinnes Hugh Eransozean Schiffahrt	Baton Rouge.
Do	Brake	Scipio & Co	(12 U.S. ports).

CONCERNING THE CLOSING OF VETERANS' ADMINISTRATION REGIONAL OFFICES AND HOSPITALS

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

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

There was no objection.

Mr. CLEVELAND. Mr. Speaker, January 13 was a black day for veterans in New Hampshire. That was the day that the then Acting Director of the Veterans' Administration published an order proposing to close or reduce service in 17 regional offices, 11 hospitals and 4 domiciliaries across the country.

Two regional offices affecting New Hampshire were included. They are at Manchester, N.H., and White River Junction, Vt.

Since January 13, I have been working hard to discover what justification there could be for this order. I have found none.

The VA made an effort to claim that greater efficiency and economy would result from the order. It said the sum of approximately $23,500,000 would be saved each year, if this order were allowed to go into operation. They told me this had all been run out on a computer and that was the answer and that was that.

GOVERNMENT BY COMPUTER

Now computers are very impressive, so I inquired what the savings would be from the order at Manchester and at White River Junction. I was told, through Mr. A. W. Stratton of the Veterans' Administration, that the savings at White River Junction would be around $150,000 a year but he hastened to add that this estimate was "very approximate." No estimates for Manchester were provided at that time.

I wonder whether we ought to endorse actions very damaging to the interests of veterans or any other group of citizens on the basis of "very approximate" computers?

There is no question but that this action will be damaging to veterans.

There are 81,000 war veterans in New Hampshire. I am told that the Manchester regional office, as of December 31, 1964, had 65,707 claims folders, 16,397 loan guarantee folders, 1,686 guardianship folders, and 16,647 running awards. The workload called for handling 4,588 claims folders in slow August 1964, 5,513 claims folders in average October 1964, and 5,865 claims folders in peak December 1964. For the same months, the workload called for handling of 1,968 loan guarantee folders in peak August, 1,906 in average October, and 1,624 in slow December.

MISLEADING STATISTICS

The Veterans' Administration asserts that 90 percent and more of the business at Manchester and White River Junction is by mail. Investigation shows this to be misleading. It turns out that the Veterans' Administration is not really talking about what percentage of the problems is handled by mail but rather what percentage of total communications is handled by mail and the VA includes in this figure all mail received whether it is administrative mail, mail for patients at the hospital, mail dealing with supply problems and so forth. This is according to the manager of the regional office at White River Junction, and the same is true at Manchester. The true ratio of personal contact is about one out of three.

CLEVELAND BILL A SOLUTION

In the Veterans' Affairs Committee, I have a bill pending, H.R. 5028, which would require, among other things, that the Veterans' Administration maintain at least one office in each State. I am deeply concerned about the trend toward centralization of personal services on the part of the Federal Government.

Other Federal agencies, such as Social Security Administration, Small Business Administration, Federal Housing Administration, and others, maintain at least one office in each State. This is proper and I would be most reluctant to encourage an erosion of this principle.

LOSS OF SERVICE

At the present time, when a veteran goes to the regional office with a case which merits award, his case file is immediately available, a meeting before the adjudication board can be arranged at once, speedy treatment obtained. If the functions of the regional office are transferred to Boston, as is contemplated, the veteran will have to go either to Boston to a large, impersonal office, or depend on the vagaries of the mail. Personal contact will be lost. Confidence will be lost.

Many of our older veterans have arteriosclerosis with chronic brain syndromes. Now, it is relatively easy for them to go to White River Junction or to Manchester in connection with their claims. It is relatively easy for members of their families or representatives of service organizations to accompany them and guide them around. Who would meet them and look after them in Boston, assuming they could withstand such a long trip?

IS THIS ECONOMY?

Surely, the alleged saving of $23½ million in this day of the $100 billion Federal budgets cannot justify such a loss of service. In this connection, it may be informative to note that the VA has outlined proposed spending for new hospitals totaling $113 million. The details may be seen on page 866 of the Federal budget for 1965–66.

It appears that the only purpose being served by this order is to permit the process of centralization to go on, dehumanizing Government functions even more than they are already. I strongly believe this is wrong and against the best interests of the veteran, and, as a matter of fact, contrary to the wishes of Congress.

For these reasons I strongly urge this committee to exert its great influence to have the January 13 order rescinded and to recommend enactment of my bill H.R. 5028 or similar legislation.

SOIL CONSERVATION CUTS SENSELESS PENALTY TO SMALL FARMER

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

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

There was no objection.

Mr. CLEVELAND. Mr. Speaker, during the debate on the Appalachian bill, I called to the attention of the House how unfair I felt it was that while $17 million was being authorized to improve soil conservation services in the 11 Appalachian States, the administration announced plans to reduce funds for the technical assistance program of the Soil Conservation Service.

The administration estimates that these cuts would save the Government about $20 million. This is to be done by setting up a revolving fund which would be financed by charging the people who use the technical assistance program for this service.

LITTLE GUY TO PAY

Although this may look appealing on paper, the impact on small landowners and the small farmer, whose taxes, incidentally, are being taken to help pay for this program in Appalachia, would be heavy. The usefulness of this valuable program would be crippled.

The impact in New Hampshire would be severe. It would mean that an additional sum of $100,000 would have to be raised each year to maintain the program at present levels. Currently, around 22 man-years of Soil Conservation Service help is financed annually under the program. If the reductions are adopted, it would mean the loss of at least 11 people in New Hampshire, unless the various districts could raise the money.

The low-income farmer or landowner would suffer the most because he could not pay. It is doubtful that local government could or would raise the money.

Conservation benefits go far beyond the immediate benefits to the land on which they are applied. They affect pollution, sedimentation, land-use adjustments, the scenic countryside, and many other aspects of land improvement and conservation.

The administration's proposal would bring about a loss in the quality of service. Conservation personnel cut from the payrolls could not readily be replaced. The proposal would reverse a long-standing national policy of maintaining a uniform system of land and water conservation assistance for the good of the Nation.

SMALL DISTRICTS WOULD SUFFER

The various soil conservation districts would be put in a position where they would be competing with each other for available funds both for operating the districts and for the revolving fund to hire Federal employees.

Among knowledgeable people in New Hampshire with whom I have discussed the problem, it is generally felt that adoption of the administration's program would reduce the application of soil conservation practices by 50 percent. Many districts believe that the reduction would be greater.

It was also pointed out that supervisors would have to collect the moneys and, therefore, would have to be paid for this. It has long been the policy, however, that district administrators serve without pay and they have shown over the years that they are very dedicated to this job.

There was considerable feeling that the administration proposal would open the door for political pressures and that those that could pay would get the service while those who were too poor to pay would not. This would be a reversal of present national policy for applying soil and water conservation measures. It is certainly contrary to the so-called war on poverty.

As I pointed out during the debate on the Appalachia bill, the big programs in this country are all designed to help the big interests. The farm subsidy program is of little or no benefit to the little man, although he pays taxes to help finance them.

THE BIG GUY GETS BIGGER

Budget Director Kermit Gordon stated a few weeks ago that:

> About 80 percent of our assistance goes to the one million farmers whose average income exceeds $9,500. The other 20 percent of assistance is spread thinly among the remaining 2,500,000 farmers.

Last year's statistics from the Department of Agriculture show that the 1,300 biggest wheat farmers in the country qualify for annual payments averaging $15,000 each, while the other 1 million wheat farmers qualify for annual payments averaging but $58 each.

The small farmers and landowners of my district get nothing at all from these programs. Yet, they are being asked to assume additional financial burdens just to keep soil conservation assistance presently available to them.

On their behalf, Mr. Speaker, I protest.

NEW HAMPSHIRE PROGRAM DESCRIBED

Last year, technical assistance through this program was provided to 3,396 New Hampshire landowners and farmers. Planning services were given to 8,673 persons, and basic plans were prepared covering more than 860,000 acres. Soil surveys were conducted on 2,845,125 acres; water diversions affecting 192,683 feet were carried out; 1,605 farm ponds were built and 925 fishponds were stocked. Other practices were extensively employed, including construction of floodwater retarding structures; grade-stabilization structures; grassed waterways and outlets; irrigation storage reservoirs; irrigation system sprinklers; drainage mains or laterals; spring development; field and contour stripcropping; wildlife wetland and habitat development.

Town planning assistance rendered or requested during the period included the furnishing of soil survey information and interpretations on limitations of the suitability of land for agriculture, recreation, housing, schools, industries, water supplies, etc.

Exclusive of the watershed program of Public Law 566, landowners paid $522,000 on construction of conservation projects in 1964, a substantial increase over the $444,000 annual average expended privately over the last 3 years.

Thus, Mr. Speaker, the people of New Hampshire are utilizing this program at an increasing rate. It is bringing tangible benefits of lasting value.

You can see from the facts recited above what a 50 percent reduction would do to the New Hampshire land operator. I am sure the situation must be the same all across the country.

The reductions proposed are unjust and do not make sense. As we construct new multibillion-dollar programs of social welfare, let us not dry up proven programs of longstanding benefit, especially when they cost so little.

DEBT MANAGEMENT AS AN ECONOMIC POLICY TOOL

Mr. CLEVELAND. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. CURTIS. Mr. Speaker, one of my chief complaints about administration economic policy has been the relative lack of public discussion devoted to debt management as opposed to fiscal and monetary policies. As administration economists well know, managing the huge and growing Federal debt has important economic effects, particularly on the money and capital markets. Debt management policies may actually conflict with and thwart other Government economic policies. For example, one of my fears during the tax cut debate—and it was almost impossible to get the administration to debate the issue—was that financing the growing Federal debt from savings would withdraw funds needed for private investment, while financing through the commercial banks or the Federal Reserve would lead to inflation.

I have been encouraged recently by a greater awareness among economists of the key role that debt management must play in framing overall economic policy. A recent lecture by Robert V. Roosa, former Under Secretary of the Treasury and one of the ablest men in the financial field, should do much to provoke thought and discussion about the role and problems of debt management. One of Mr. Roosa's main points is that, within limitations, the Treasury should manage the debt in such a way as to further the general objectives of Government economic policy. That the power of debt management to perform this function exists is clear from Mr. Roosa's statement that it may at times have a power and significance rivaling that of fiscal and monetary policy.

While I would not agree with everything Mr. Roosa says in this lecture, I believe the issues he discusses are so important that it should be called to the attention of the House. Under unanimous consent I include a copy of the lecture in the RECORD at this point:

THE FEDERAL DEBT IN A MARKET ECONOMY

(Remarks by Robert V. Roosa)

This occasion today offers an opportunity and an honor which, for at least three reasons, I could not resist. First and paramount, it enables me to speak for all of you in tribute to the half century of private enterprise in the public interest that has characterized Frazar Wilde's career. In his own firm, in the insurance industry, in the Committee for Economic Development, in the Commission on Money and Credit, and in numerous governmental bodies, Frazar Wilde has brought creative imagination and

constructive energy both to designing the objectives and methods of responsible public policy and to diffusing the understanding of such policy among the public.

Second, having spent all of my professional life since World War II in either the Federal Reserve System or the Treasury, though I cannot now even informally and unofficially represent the monetary authorities, I am anxious to try to render a brief accounting of what has been done thus far toward fulfilling some of these objectives for financial policy which Frazar Wilde has done so much to mold, particularly through his work in the Committee for Economic Development which he now chairs, and most significantly through the Commission on Money and Credit which he chaired throughout its profound reexamination of the financial system of the United States at the beginning of this decade.

Third, in the spirit which Frazar Wilde has personified, that of exploring new potentials through inviting criticism and debate, I would like to look ahead toward some of the possibilities for broadening or redirecting the emphasis in our concern over the public debt, and in debt management, during the years ahead. In raising new questions for the future, I feel uniquely privileged at this juncture in my own career. For the first time in nearly 20 years I can speak without fear that anyone might impute to these remarks some motive or some implication with respect to the current actions or intentions of the Treasury or the Federal Reserve in the financial markets. And since I am truly in a transitional phase, having not yet settled into my new banking affiliation on a regular basis, there can be no possible extrapolation of these remarks to include the responsibilities, or the views, of any of my new partners.

The theme of these Wilde lectures, "The Economy Men Live By," might be taken as a provocative invitation to appraise the various economic doctrines as well as the varied economic institutions of all nations and all ideologies. I am neither that adventurous nor that ambitious. I do want to think aloud, though, about the financial side of the kind of economy that most of us know, and that we want to "preserve, protect, and defend" while we help it to flourish and grow.

This is the market economy, the economy guided by individual choice, as reflected through the flexible movement of individual prices, and characterized predominantly by private enterprise and private ownership. Many of us like to think of it, moreover, as the economy whose capital grows larger because the frontiers for its use are always expanding and because its savings are abundant, whose capital follows the incentive of profit to find its most productive uses, and whose savings are allocated to these uses through efficient, informed, competitive capital markets. We regard abundant savings, in turn, as the result of millions of prudent decisions by millions of individuals enjoying rising incomes in an environment of prices that are, on average, relatively stable. This, perhaps slightly idealized, is the financial side—the capital side, if you will—of American capitalism.

But, more and more, many of us also realize, as the inherent strength of this kind of economy thrusts it forward into larger magnitudes, more intricate diversification, and more detailed involvement in the world outside, that there is also a useful, indeed a necessary, economic and financial role for Government to perform in these markets. No one, or surely only a scattered few, would challenge today the need for a powerful central bank in our kind of market economy. Yet during the founding years of the Federal Reserve, a half century ago, there were many who feared it as a menace to the free economy. Questions now center instead, not on whether it shall exist, but on how the central bank's influence can best be exerted to influence the general state of monetary and credit conditions. For it is widely agreed that this is the kind of governmental function that accords with the nature of the market economy—an influence exerted through the general framework surrounding the individual decisions, and not intruding directly into the decisions themselves.

Sheer size alone means that the Government's own borrowing operations—the way it handles its outstanding debts and the way it borrows new money—will, inescapably, be exerting a force of some kind upon the money and capital markets. Must changes in the outstanding amount of publicly held Government debt, its distribution among holders, and its composition by maturity, be determined by chance, through a succession of on-the-spot decisions made opportunistically as the arrival of maturities or the Government's need for cash push the Treasury into the market every month or two? Is this a set of forces to be exerted at random, more or less capriciously offsetting the impulses generated by monetary policy at one time, or enlarging those impulses at another time? Or can it be kept neutral? Or can it, should it, be channeled purposefully to help in meeting some of the same objectives being pursued by monetary policy, as a part of the Government's overall economic policy?

The answer that Frazar Wilde and his colleagues in the Commission on Money and Credit gave was a positive one: "The management * * * [of the publicly held debt] * * * affects business and consumer behavior and has a direct relevance for the attainment of our economic objectives" (p. 100). They saw a danger of excess liquidity, a "potential built-in instability" (p. 103), in continued shortening of the publicly held marketable debt and urged that the Treasury, underneath any other current considerations it might have, work steadily toward a more balanced maturity structure. From such a position, they held—always recognizing the exigencies of the need to offer something the market would buy, and to keep the market reasonably receptive to other offerings that still must come in the future—" * * * management of the marketable debt can and should make some contribution to stabilizing the level of economic activity" (p. 105).

They saw, too, "compelling reasons why monetary policy and debt management must be formulated and executed in close relationship" (p. 107). But they did not favor "so drastic a method as consolidation of the Treasury and the Federal Reserve as a means of coordinating debt management and monetary policy" (p. 109). They saw that the need was not merely for a technical meshing of intricate administrative gears, but for assurance on the policy level "that the motivating forces in the two institutions are both driving in the same direction" (p. 109).

This, stripped of details, was the Commission on Money and Credit's redefinition of the role and potential usefulness of debt management: the Federal debt must, to be sure, continue (alongside all other outlets for the Nation's savings) to meet the test of investor acceptance. But the Treasury could and should, within the range of market acceptability, offer marketable securities that would, as they worked their way into the credit and capital markets, tend to absorb or retain or release funds in ways that would help to further the general objectives of Government economic policy.

As a result of the accumulating indebtedness of a century and a quarter, the Federal Government has come to account for a bloc of outstanding securities so large that it must always be a dominating influence in the markets, both the trading markets for outstanding securities and the issuing markets for new obligations or refunding obligations. Grasping the meaning of that fact, the Commission, quite consciously, propounded a paradox: for the free and private markets in money and capital to function will, not only technically but also in resisting cyclical fluctuations and in promoting the economys growth, a special responsibility had to be exercised in those markets by the Federal Government itself, through the management of its own debt.

The Commission in its studies also reached far into fiscal policy—Government revenues, expenditures, budget deficits, and surpluses—as well as into the monetary and credit policy of the Federal Reserve, but I will leave the fascinations of all those aspects of governmental financial policy for other speakers in this series. I want to focus on debt management because, at least until the time of the Commission on Money and Credit, that aspect of governmental financial programing had received only a small fraction of the attention—and more importantly, only a small fraction of the critical analysis—to which central banking and fiscal policy have so rightly been subjected for many years. Yet, while clearly subordinate to these others, debt management may have at times, and perhaps has had at times, a power and significance nearly rivaling that of the others. To be sure, the fiscal function and central bank are each the source of primal forces in the economy. They add or subtract net changes to or from the grand aggregate of money flows. Debt management, by itself, does not. But unless the management of the debt (both the outstanding debt and the current changes in the amount outstanding) can be appropriately adapted to these other policies, the initial increases or decreases of money flows that fiscal policy or monetary policy may have intended to bring about can instead be partly or wholly absorbed through contradictory debt management, or may even be swamped and lost in a wave of influences that debt management has set flowing in the opposite direction.

Frazar Wilde and his colleagues on the Commission were not only right in the stress that they put on all the arms of governmental financial policy. They were also surely right (and even as late as 1961 they were among the pioneers) in stressing the need for Government to take full account of the array of various "mixes" that is possible among the elements of these various policies, as the Government tries to help influence needed structural economic change and growth, to help avoid or reduce the swings of cyclical fluctuations, and to help bring the Nation's international accounts into balance. Actually, new mixes among various elements of these policies were already being explored within the Government as the Commission's formal report was being completed in 1961. Emphasis was being placed upon the need to improve incentives for expanding investment and output, along with the more customary emphasis for a recession period upon the generating of new money flows through a Federal deficit and the creation of added bank reserves by the monetary authorities. But debt management was also being used. For at the same time, in 1961 and thereafter, additions to the very short-term debt were raising those interest rates that could help to hold in the United States the short-term funds that Americans, following the free choice of the market, had been sending abroad in increasing amounts.

Along with that help to the balance of payments, which actually accompanied the stimulation of investment in the domestic economy, a gradual restructuring of the debt was also being carried forward. Following lines initiated in 1960 under the preceding administration, additions to the supply of longer term Government debt were counterbalancing the possible risks of an unduly

large accumulation of the Government debt in the short-term area. Moreover, the extension was being accomplished very largely through greater use of the advance refunding technique which the Commission itself recommended. And partly because of fortuitous timing, it was proving possible to do all of this without notably increasing the interest rates that had to be paid on long-term money or interfering with an ample flow of capital and credit into a growing volume of domestic investment and residential construction.

Each of these—what has happened to affect short-term rates, the long term market, and the maturity composition of the debt structure—illustrate the way in which complementary relations have evolved among monetary policy, fiscal policy, debt management, and the performance of the private financial markets over recent years. If in commenting briefly on these developments I refer only to the past 4 years, that is because I had a somewhat better view over that period, but I am not for a moment forgetting that the roots of much that has proved practicable were planted earlier.

First, a closer look at short rates—what happened, and why? Unlike previous postwar recessions, that of 1960 had not brought Treasury bill rates down to the 1-percent range, or lower. Reaching a bottom in the 2⅛- to 2¼-percent range, in August of 1960, they remained at that level for almost a year, and then began a gradual move upward that has continued into this past week, when 3-month bills have been trading about 3⅞ percent, some 1¾ percent above their lows of 4 years ago.

The reasons for wishing to bring about this kind of a pattern in short-term rates have been clear enough. This was the first of the U.S. postwar recessions to occur after the return of currency convertibility to most of the other leading countries of the world, an achievement long sought by all of us, and completed at the end of 1958. The pull of the money markets serving these newly convertible currencies, many of them experiencing rising interest rates as they tried to combat domestic inflation, would have been strong in any case. But at this same time, a rapid enlargement was taking place in a new kind of market that had been developing "over the counter" among European (and Japanese) banks and business firms—the Euro-dollar market. The higher interest rates available in that "extraterritorial" market exerted an intensifying pull upon dollar deposits domiciled in the United States. There was no choice, as Chairman Martin was one of the first to point out. The United States could no longer be "isolationist" in its monetary and credit policy.

Yet there were equally compelling domestic reasons to keep credit amply available at home, and to make progress only slowly toward balance in the Federal budget. Indeed, as a combined result of rising savings and promotive Federal Reserve policy over the 4 years, the earning assets of commercial banks have increased by one-third, or more than $70 billion. And because progress toward budget balance was deliberately spaced, over these 4 years, the gross Federal debt has gone up by one-tenth, some $28 billion. Of this, the publicly held portion of the Federal debt has also risen about one-tenth, or around $20 billion. And the rate of deficit indicated for fiscal year 1966 will apparently raise the gross Federal debt by another $5 or $6 billion, of which $1 to $2 billion may be added to the publicly held debt, with the rest going into Government trust funds or the Federal Reserve banks.

To have tried to force an overall tightening of money, raising the general level of all interest rates, in the face of the enormous personal and business savings being generated in the American economy by rising incomes at stable prices, might well have been futile. But in any case, to attempt that kind of imposed interference with the market economy, in the effort to keep a marginal volume of volatile funds from flowing out of the country, would have risked impairing the growth by one-half, more than $100 billion, that has occurred in mortgages over these 4 years; or the growth by one-third in corporate long-term debt, an increase approaching $50 billion; or the rise of more than one-third that has taken place in State and local government debt, some $25 billion.

To be sure, increases in indebtedness at this pace pose serious questions concerning the maintenance of suitable standards of quality, and those questions deserve the full attention of all private lenders as well as the public authorities. But there is little doubt that these same increases in indebtedness have provided the fundamental base for the large and lasting expansion of gross national product by nearly one-quarter over these same 4 years, a rise of some $120 billion, and for the expansion of employment at least in step with the rising labor force through these years.

With gains of that scope dimly visible, as public policies were being evolved 2, and 3, and 4 years ago, effort understandably centered on seeking ways to restore equilibrium in the financial transactions affecting our balance of payments that (1) would not impede sustainable domestic growth, (2) would not inject any new inflationary impulse into the economy at home, and (3) would not set off any new strains upon other countries that could interefere with longer run progress toward freedom of trade on the continuance of an orderly system of international payments. And in that effort, a key role very soon was evident for debt management.

The interest rate on Treasury bills, typically the 3-month bill, was at the center of the array of money market interest rates that influence the volatile international flows of short-term funds. The Federal Reserve had for some time put money into the market by purchasing these bills, and in the recession of 1960–61 might have been expected to buy heavily, driving down the same interest rate that was most likely to trigger further outflows of funds abroad. Ways had to be found to minimize those Federal Reserve purchases, without impeding the flow of new Federal Reserve credit into the money markets. And then, to add upward influence upon those rates, the Treasury had to find ways of adding heavily to the outstanding supply of bills without causing other complications.

The Federal Reserve had begun its new approach in the autumn of 1960 when it moved some of its open-market purchases out to the 9- to 15-month maturity range. It also made a change in reserve requirements designed to release funds for the autumn seasonal need in the money centers as a partial alternative to direct purchasing of Treasury bills. Then beginning in February of 1961 the Federal Reserve extended the maturity range of its operations outside the short-term area. As a result, over the 4 years the total market acquisitions by the Federal Reserve were about evenly divided among bills, other securities under 1 year, and securities over 1 year.

But the magnitude of Treasury debt operations in every year is 10 to 15 times as great as the aggregate of Federal Reserve transactions in the market. Clearly there was a job here for the Treasury, too. And over the 4-year period, through increasing the amount of Treasury bills offered at its regular weekly auctions, through developing a full cycle of 1-year bills offered at monthly intervals and through occasional offerings of "strips" of bills, the Treasury raised the total of outstanding Treasury bills by nearly one-third, or about $13 billion, sometimes adding as much as $4 to $6 billion more through temporary placements of tax anticipation bills.

Alongside this impact on the money market, the commercial banks had begun in 1961 to offer time certificates of deposit on a substantial scale to business and other depositors. In order to provide headroom for this market, and encourage more aggressive competition for balances that might otherwise move abroad, the Federal Reserve raised the permissible ceilings on time and savings deposits, at the end of 1961, and then in November 1964, raised the celings for certain categories of deposits again. To punctuate the changes in money market rates that had been taking place over the 4 years, the Federal Reserve also raised its discount rate in July 1963, from 3 percent up to 3½ percent, and again in November 1964, up to 4 percent.

These, necessarily sketched in abbreviated and partial form, were the manifestations of the interaction among the free market itself and the influences exerted by the Federal Reserve and the Treasury working harmoniously together to use existing authority in new ways to meet a new situation. Ample savings and readily available credit helped to assure new records of sustained expansion in the economy; prices did remain generally stable; exports did expand more than imports; and a potential torrent of outpouring volatile funds was slowed much of the time, at least comparatively, to a trickle.

But what about the inflationary potential in a continuing Government deficit, running alongside the enormous expansion of other forms of borrowing? With so much of the deficit apparently being financed through added Treasury bills, would not this lead to an unduly large growth in the money supply, and in the aggregate of liquidity in short-term form? The answer to this very valid concern was found in the emphasis upon balance that had been stressed prominently by the Commission on Money and Credit. To be sure in the first year, 1961, when the gross deficit grew about $6 billion, there was a rise of about $4 billion in Treasury bills, and an overall rise of $5 billion in the holding of Government debt by the commercial banks. But once recovery from recession was assured, a new concept was introduced into the "mix" of fiscal policy, debt management, and monetary policy.

Instead of a simple convergence, in which each arm of policy would move in the same apparent direction, with one or another arm merely required to take a stronger lead in one situation or another, it was recognized that one arm might more appropriately in some circumstances be used as a governor. Its role might superficially seem to be that of offsetting some of the force exerted by the other arms, but its actual role, taking advantage of its greater scope for flexibility in timing and design, would be to shore up, or space out some of the effects being exerted by the other arms—to provide a finer tuning of the total overall impact of Government economic policy as a whole than could have been accomplished by the more powerful, but possibly under some conditions more clumsy, other arms of policy.

That, during the years 1962–64, was to a large extent the role of debt management—containing any risky tendency toward liquidity inflation that might have emerged from the parallel impulses of a comparatively easy Federal Reserve policy and of a stimulative fiscal policy that was incurring continuing moderate deficits (in the process of restoring incentives and enlarging spending to raise the entire level of economic performance). As a result, though cast in a role that was often misunderstood and sometimes derided, debt management did succeed in forestalling the inflationary pressures that might otherwise have been generated, even in an economy with over 5 percent of the labor force unemployed.

While the total outstanding debt went up another $22 billion over these 3 years and

its marketable portion went up by $16 billion, holdings of Government securities by the commercial banks, which could have been the inflationary tinder, actually dropped by close to $4 billion. While outstanding Treasury bills (regular issue) went up some $9 billion in 1962, 1963, and 1964, other short-term debt in the under-1-year category went down by the same amount. There was no net increase, apart from temporary tax-anticipation bills, in the total marketable debt under 1 year. In the 1- to 5-year category, the total dropped another $5 billion. The end result was a rise of $17 billion in marketable debt maturing in over 5 years.

What these figures mean is that the entire Federal deficit over these 3 postrecession years was financed outside the commercial banking system; the credit available through the commercial banks has instead financed private borrowers. The entire increase of the marketable debt has ended up in longer term form, maturing in over 5 years, and can be presumed to be lodged with real savers.

If, in addition, the very successful advance refunding operation announced at the end of December 1964, and completed the first week of January 1965, were included, these results on all counts would be even more impressive. The average maturity of marketable debt at the end of January 1965 was 5 years and 5 months; and because there will be seasonal debt retirement over the months just ahead, that average will still be close to 5 years and 4 months at the end of June 1965. Even then, despite the inexorable downward pressure of the passage of time upon the debt structure, the average maturity of the entire marketable debt will be 10 months greater than it was in January 1961.

The injunctions of Frazar Wilde and his colleagues in the Commission on Money and Credit have indeed proved viable and reliable during the tests of these recent years. Debt management has, in the conditions of these times, found a purposive role in furthering our broad objectives of growth, stability, and payments balance. In the process it has, for the most part, served as the brake, working in conjunction with the accelerators of monetary and fiscal policy to help keep the machine on course and under control.

Another role has also opened up for debt management in the circumstances of these times. For through the scheduling and designing of its various offerings, and particularly in the use of its advance refundings, the Treasury has on several occasions been able to use its vast size, and privileged view, to exert a useful catalytic effect upon a hesitant or unsettled private market. For markets, particularly longer term securities markets, are necessarily dependent upon the state of expectations. The immensity of the markets for debt instruments in the United States is too great to permit any investor or any borrower an adequate view of all the relevant influences. While, to be sure, that is the nature of truly competitive markets, it does mean that at times the orderly pace of active financing may be interrupted by a partial paralysis of will, as more and more participants step to the side to "wait and see."

At such times, the market needs a bellweather. The Treasury, both because of its proper concern for good housekeeping in handling the debt and because of its broader concern for healthy and active securities markets, can then step in. It can take advantage of the opportunity to make its own offering, for example, when private activity is relatively quiet, and it may at the same time provide the market with a demonstration of the strength of demand at prevailing prices. Almost invariably after major Treasury financing operations that have reached into the longer-term markets, there has been a renewal of private confidence, a rising tendency in bond prices, and a resurgence of new issues. In this sense then, too, debt management is finding for itself another useful function as an adjunct to the private capital markets, helping to promote the smooth financing of a growing volume of new and refunding capital issues.

There is, of course, much more to be said about the techniques as well as the tribulations of debt management. But even the generous time allowance for this lecture forces me now to turn to a totally different aspect. Frazar Wilde would not be duly honored if I did not try, here, to raise a few provocative questions for the future. I am going to skirt the perhaps inflammatory issues of Federal Reserve-Treasury relationships because I know they need not present any grave problem.

If the use of "mixes" is to be creative, there must be strong voices representing all arms of policy within Government. None of the so-called answers will be preordained. They will be found, in the course of frequent interchange among those representing separate responsibilities. There can be no de facto subordination of the Federal Reserve, any more than there can be of the courts—even though at particular moments that might seem to some to be more direct, efficient, and less costly. But the underlying urge for harmony will assure, over time, that all arms respond to the central tendency of the popular will—whether or not they seem overtly to "follow the election returns."

Any attempt to impose compliance, as an alternative to achieving volunteered accord, would impair, perhaps destroy, a fundamental underpinning of the dollar's integrity. Because that is so well and widely understood, I prefer to find my controversiality in a longer look ahead to the role that interest rates may play in the relations among the money and capital markets of the various developed countries over the next decade or two.

In this country, as our savings continue to grow, it seems to me inevitable that the Federal debt will become a smaller and smaller segment of the debt structure—whether or not the elusive objective of a balanced budget and surpluses is ever reached. The Federal debt was close to two-thirds of the total debt structure at the end of World War II; a decade later it was about one-third; and at the end of 1964, nearly two decades later, it was just over one-fifth. No doubt it will always be large enough to provide an adequate vehicle for Federal Reserve open market operations. And the scale of refunding operations will continue sizable enough to provide a major supplement to the market impact of Federal Reserve purchases and sales, where that proves appropriate. But more and more, our capital market is likely to be private, and perhaps also increasingly a "nonmarketable market," that is characterized by private placements.

This does not mean it will be any less efficient or competitive; on the contrary, perhaps more so. Meanwhile, most of the other developed countries, as they have been since the end of World War II, will gradually be falling into our pattern—there will be wide variations, to be sure, but on broad lines it is likely to be our pattern. If they can control inflation, as several of them seem now determined to do, they will begin to evoke their own savings on a scale that will force an acceleration in the development of their own diversified, competitive capital markets. And if convertibility can be preserved through adherence to the Internationl Monetary Fund, there will in time be a broader two-way flow of credit and capital into and out of each of these other countries—among themselves, and with us.

Looking beyond possible cyclical fluctuations, and assuming no major war, there will almost certainly be a strong tendency toward equality among the longer term as well as the shorter term interest rates of the leading countries. And in economies with large structures of fixed indebtness, privately owned, pressures can be expected to build up against large fluctuations of longer term interest rates—whether induced domestically or abroad—because of the wide indicated swings in capital values.

What all of this may portend, perhaps in another decade or two, is a lowering of long-term interest rates abroad, under the pressure of heavy savings aggressively seeking outlets. While that process is going on, however, there may from time to time be further upward pressure exerted on interest rates here by the outflow of American funds toward the higher returns in other countries whose currencies are readily convertible and reasonably stable. With our ample savings flows, this pressure may not ultimately appear in a marked rise of our interest rates, but rather in larger outflows of our funds—a further weakening of our national balance-of-payments position.

The process of adjustment to a viable equilibrium in the capital flows among developed capitalist countries, if these should prove to be the prevailing conditions, is not going to be simple, nor easy. It is not now. But it is going to call for constructive imagination if we are to avoid international misunderstanding and friction and an impairment of the unique functions of the marketplace in allocating capital resources among their varied uses.

One possibility may be that greater use will have to be made, at least for a time, of other elements of the capital accounts as offsets to these flows, in order to regain balance. Perhaps our market will have to become adapted to much wider swings, or at any rate higher upward swings, of short-term rates on occasion. These may, to be sure, be swings that do not carry long-term rates along in the same direction, or in the same degree, but to accomplish that there may have to be further innovation in the joint use of monetary policy and debt management along lines such as those that have only been given a preliminary testing over the past 4 years.

In any event, there is a growing likelihood, it seems to me, that international capital flows will increase; that in the longer term area they will be responsive to relatively small changes in interest rates; and that greater reliance will have to be placed upon governmental monetary policies (including the correlated use of debt management) to achieve sustainable balance in the years ahead.

Another possible approach may lie in using more of our Government debt in special forms to attract here some of the foreign official balances, or possibly even private holdings, that are being enlarged by the flow of our own funds out into capital investments abroad. A small start, now aggregating about $1¾ billion denominated in various currencies including the dollar, has been made experimentally in this direction.

There are, of course, many other possible approaches, short of the direct controls that would negate the market economy itself. Should the sort of constellation that I have pictured actually develop, there will have to be new "mixes," using a changing combination of techniques and influences. The only certainty, I suspect, is that there will be no single simple answer. The only advice to doubt is that of the critic who thinks the issues and the problems have all been settled; that the answer is already waiting in a book on his shelf. The only safe route is to develop more fully, and continually, the close consultation among the financial officials of the countries whose problems are, or may be, tending toward the general pattern I have suggested. For just as answers have demonstrably been found domestically when, in the words of the Commission on Money and Credit, "the motivating forces" (of the re-

sponsible officials in separate agencies) "are driving in the same direction," so have they been and can they be found in the international financial relations among Nations that are committed to the perfection of the market economy.

A DIALOG ON THE ECONOMIC IMPACT OF THE PROPOSED PAYROLL TAX INCREASE AND OTHER FISCAL ASPECTS OF H.R. 1

Mr. CLEVELAND. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. CURTIS. Mr. Speaker, I have been very critical of the fact that the Ways and Means Committee conducted its hearings on the problems of health care for the aged and of other aspects of the social security system beginning on January 27, 1965, behind closed doors.

In my judgment the committee needed the benefit of the wisdom and knowledge in our society as it pertained to these problems. Certainly the people were entitled to follow on a current basis the studies and discussions as they developed from day to day. Because of these closed door procedures the committee has not had the benefit of the knowledge in the general public and the public knows little of the serious problems which exist in the proposals under consideration.

H.R. 1, the so-called King-Anderson medicare bill is 132 pages long. Within a few weeks the Ways and Means Committee shifted its deliberations to a 253-page confidential print which the public to this date, and even the rest of Congress, has never seen. This 253-page confidential print has been further basically altered in many respects; for example, confidential print No. 2 consisting of 29 pages was substituted for pages 31 to 59.

I am happy to state that the committee has agreed to publish the portions of the transcript which contain the direct testimony and the cross-examination of the witnesses called. However, the transcript of the day-to-day exchanges between the committee members and the officials of the Department of Health, Education, and Welfare and the Treasury Department who have sat in constantly on the committee's deliberations, containing some of the most important dialog on the issues involved in this complicated area will not be available to the Congress in its debate on the bill and, of course, will not be available to the public.

In the meantime the propaganda battle, largely an exchange of ignorance and prejudice, creates a mass of congressional and public confusion and misunderstanding.

I am aware of the fact that the debate on the floor of the House will be a mere formality. Members of Congress have been pledged to support or vote against a label, not a piece of legislation. The administration must bear the main brunt of this situation. Indeed, it is rather apparent that it planned it this way. The administration thesis is clearly that the people and the Congress are too ignorant to know what is good for our society and opening the doors of the committee deliberations might give them a half knowledge which might make them impatient with the judgments which have been agreed upon ahead of time in their behalf.

However, I did want to expose to the public at least some of the discussion that went on in the committee deliberations on certain important fiscal aspects involved.

Accordingly, I am placing in the RECORD at this point the dialog I engaged in with Kermit Gordon, the Director of the Bureau of the Budget, a former member of the President's Council of Economic Advisers, primarily on the subject of the economic impact of increasing the payroll tax. Since the dialog took place the officials of the Department of Health, Education, and Welfare have increased the estimates of the costs of the proposals in H.R. 1. The payroll tax is now scheduled to move up to 11.2 percent of payroll and the tax base is to go to $6,600 of wages. The more compelling evidence in my judgment demonstrates that even these upward revised costs are still too low and the payroll tax will have to be increased even more, both in rate and in base.

The dialog follows:

The CHAIRMAN. All right. Mr. CURTIS.

Mr. CURTIS. Mr. Chairman, I want to apologize for not being here before now. In the colloquy I had with you, not on the record, I learned that you had asked one of the questions that I was particularly concerned about, which was what the payroll tax would do in reference to increase in prices, and in respect to our sale of goods abroad.

This was not in your original statement, but the chairman tells me that you answered that at some length. Is that right?

Mr. GORDON. I did comment on it. I would be happy to summarize what I said, Mr. CURTIS.

The CHAIRMAN. Go over it briefly, if you would, Mr. Gordon.

Mr. CURTIS. If you would, just briefly, because I will read the record and get the full statement, but I possibly would like to interrogate you a bit on that.

Mr. GORDON. I think the first point I made, Mr. CURTIS, was to point out that as an element in business costs, the projected increases in payroll taxes that we are talking about here are very, very small, almost minute, in relation to other factors that will affect business costs and particularly labor costs in the future.

With an annual increase in output per man-hour in the economy as a whole running in the range of 3 to 3½ percent, noninflationary wage increases could also run at the rate of about 3 to 3½ percent a year. Over as short a period as a decade, this rate of increase could produce a noninflationary wage increase of something like 40 to 50 percent. Yet we are talking about an increase in the payroll tax on the employer from now to the maximum in 1971 of just about 1½ percent. I think the first point I would make is that the magnitude of this as a dollar cost element is quite small.

Mr. CURTIS. Now, are you including the increase, when you say 1½ percent, just the increase from this proposal, or also those built-in increases that we already have, that we now have coming?

Mr. GORDON. I am talking, and I hope Mr. Myers will correct me if I am wrong, about the increase from the present combined rate of 7¼ percent. The maximum combined rate, under H.R. 1, is 10.4 percent. That is a combined increase of a little over 3 percent, so that half of it, on the employer, would be about 1½ percent.

Mr. CURTIS. But you have left out the base. There is an increase in the base.

Mr. GORDON. There is, that's correct, sir. There is. I doubt that that will affect the computation very greatly; the potential for a 3- to 3½-percent noninflationary wage increase would cover all wages, not only the amount under $5,600 per year, the increase in the earnings base from $4,800 to $5,600.

Mr. CURTIS. Plus one other thing, if I may say, one of Mr. Myers' assumptions is that we would be increasing the base. In fact, if we don't increase the base, after 1975, I think the figure is, on this one fund, we end up with nothing in it.

Mr. GORDON. If we don't increase the base? Perhaps Mr. Myers would comment. This goes beyond my depth, Mr. CURTIS.

Mr. CURTIS. Yes, I think that's what the significance of Mr. Myers' additional figures are, that if we went on on the present wage base in H.R. 1, by 1975, the trust fund would be down to about $200 million, and that his long-range assumptions are on the assumption that we will increase the base.

Am I correct in that, Mr. Myers?

Mr. MYERS. Yes, Mr. CURTIS.

I would be glad to comment on this. The assumptions for underlying the financing of the proposed hospital insurance program are that the $5,600 earnings base will be kept up to date with changes in the earnings level in the future.

For the cash benefit side of the program, this assumption is not made, and it is not necessary, because as you know, if earnings increase, the wage-related cash benefits do not need that additional financing.

Mr. CURTIS. That is right, Mr. Myers, but could I interject to clarify our dialog?

Mr. Gordon, you see, by his eliminating that, he is using up some of this increase that you are talking about from the increase in wages from increased productivity.

But go ahead, Mr. Myers.

Mr. MYERS. Just one point further, Mr. CURTIS. In regard to your comment about the hospital insurance trust fund being depleted by 1976, this is correct, under the assumption that the $5,600 earnings base does not increase in the next 10 years.

Mr. CURTIS. That's right. You see, the point, Mr. Gordon, I think from the standpoint of our discussion on the payroll tax, we have to consider not just the increase in the rate which you have, and not just the base, the $5,600, but also the base continuing to increase in relation to overall wage increases in the society.

I think we have got a little more difficult problem than you have presented, and particularly, let me add another thing. We use the payroll tax not just for social security, and not just for this projected hospital program, but unemployment insurance is also based on a payroll tax, and so, I think, is workmen's compensation.

And then furthermore, we have built in, under the theory, at any rate, on social security, that we will increase benefits from time to time to reflect the cost of living increase.

For instance, in 1958 was the last time we did increase the benefits, to take care of cost of living increase, and so, as you know last year, a bill that passed both the House and the Senate, that would increase the benefits simply to try to take care of that cost of living increase.

I argued that we ought to, if we really kept up, we had to increase it 8 percent.

The bill before us is 7 percent, so that those factors must be put into this problem that we have.

Mr. GORDON. I think it is still, very clear, Mr. CURTIS, that the kind of increase we are talking about, taking all these factors into account, insofar as they constitute a business cost, are still very, very small in relation to the other factors which determine the rate of increase in money wages. And keep in mind that the purpose of increasing the earnings base beyond $5,600 is to keep it up to date as wage levels rise. If the base is raised as wages rise, and, as we have seen recently, wage increases in total remain within the increase in productivity, the proportion of total payroll subject to the tax would remain the same and consequently, the impact on employees—at the maximum—would remain the same. If the base is not kept up, the impact on employers would be less than I have suggested.

Mr. CURTIS. You are talking about your productivity increases.

Mr. GORDON. Yes. If I may extend this a bit, I would like to make one point that I made previously before you came into the room.

It seems to me that a good test of the relationship we are talking about is the experience we have had in recent years. This has been a period in which there have been a number of increases in the rate of payroll tax under the social security program. There were increases in 1959, 1960, 1962, and 1963. Four increases in 5 years.

Yet I think it is very significant, as you well know, that this whole period has been one of almost absolute stability in our wholesale price index. It has been a period, actually, of stable to declining labor costs per unit of output. I was just looking at the series which measures labor costs per unit of output in manufacturing. As you know, Mr. CURTIS, that series is today below its level in 1960; and in 1960, it was below its level in 1958.

There has been a slow decline in total labor costs, including wage and nonwage elements, per unit of output.

Mr. CURTIS. I will agree, but I point up what I regard as the unrealistic limit of the survey that you have made. Therein lies the problem, as I see it. You talk about wholesale prices, and you talk about wages in manufacturing, but the phenomenon, as we see it, in the past 10 to 15 years, and increasingly so, has not been in the manufacturing sector, has not been in the sector of creating goods, but has been in the area of distribution of goods and the rendering of services, and we see it in employment, where there is a decline in overall employment in manufacturing, although a very interesting shift from blue collar to white collar, where white collar are actually increasing, and the full decline in manufacturing labor force is blue collar, but in the service and distributive fields, we see the great increase.

I think this is fine and is great, and is the reason I have suggested many times that we see this very fine holding the line in wholesale prices, and yet the implicit price deflator is up around 1.7 or 1.8 a year and the consumer price index is up, because of these growing sectors of the economy. This is particularly important in hospital costs, which is a service industry, where all the testimony reveals that our wage scales even now are way below what they should be.

So I think we have got to look at this whole picture. It is true that in selling in the marketplace, international marketplace, you might think in terms of goods, but I think increasingly, we are looking there in terms of services, too, and our distributive techniques. This is a very crucial thing.

Mr. GORDON. Yes, Mr. CURTIS, you are quite right. I agree that you have got to look at developments in the field of services as well as in goods. But goods, after all, constitute the overwhelmingly important element in our balance of payments, merchandise exports and imports.

Mr. CURTIS. But it doesn't. You say that it does, and that's the very point I am raising. It is an important one, but increasingly less important, that services and the distributive aspects of the goods are coming into play in the international marketplace, and one reason I argue that you find that our manufacturers will actually move the plant from the United States and put it over into country X, is because of the distributive and service aspects.

Mr. GORDON. And yet, Mr. CURTIS, we have had a remarkabe expansion, as you know, in our commercial exports of goods the last 4 years.

Mr. CURTIS. Not so remarkable, I will argue, if you eliminate the agricultural surpluses, which make our exports over imports look so good. And look at our share of the increased international trade. I agree it is still healthy, but it is not the figure that——

Mr. GORDON. I am taking about commercial exports. I am talking about commercial.

Mr. CURTIS. They call this agriculture, commercial.

Mr. GORDON. Well, a part of it is, and a part of it isn't, as you know.

Mr. CURTIS. Well, I have seen it listed as if it were, and I know you and your figures have separated them, but all I wanted to do was call attention to the fact that I don't know how we separate it, I might say. Under the way we have got our agriculture set up in this country, under subsidy. How we can separate that which is honest-to-goodness commercial agriculture, going in the international market place, from that which is Government-subsidized agriculture. But at any rate, I do agree with you that we have got a good export figure.

Mr. GORDON. And I think the relevance of what we are talking about here is that this very reassuring expansion in commercial exports of goods has happened over a period in which we have had four increases in payroll taxes in a period of 5 years.

Mr. CURTIS. I think there is merit to the argument. I am going to get to the greater problem that I think we have with the payroll tax, and this is an important one and one we must look at. I think as we keep putting on to this payroll tax the problem keeps getting greater in geometrical ratio.

These increases really do not improve increased productivity. When we load these things on the payroll tax we can't relax in the sense that we know that this kind of thing is going to give us the further increased productivity that we are counting on to pay for the increased payroll tax.

You would agree with that, wouldn't you?

Mr. GORDON. I am not sure I followed that, Mr. CURTIS.

Mr. CURTIS. The increases that we experience in the payroll tax are not the kind of expenditures that give us this increase productivity which would enable us to absorb these increases. That is the only point I am making. It is not a big point.

Mr. GORDON. If your point is that the increased payroll tax is not a contributing cause of any importance to the improvement in productivity, I would agree.

Mr. CURTIS. Yes, that is all the point I was making. Then I was going to say that coupled with this same problem is our minimum wage situation which reflects again on these costs, but I think what you said is certainly responsible to this problem and I respect your judgment. Some have said, as you know, that we can't get the payroll tax beyond 10 percent. I know that one who said it, Secretary RIBICOFF, didn't mean 10 percent as an adamant figure. He was pointing to a point at which he felt that you really had to start to look, and I use that as a place to certainly set up warning signals.

Would you agree that we are getting into the area where this payroll tax might be more than we can handle, or do you have no judgment?

Mr. GORDON. I believe in the general line of thinking, Mr. CURTIS, that one is always better off to move by small steps and then look around and see what has happened since the last step and what the special problems are that appear to loom in connection with the next step.

I would think that this would have been a wise policy to pursue ever since the social security program began, to move by small steps and to examine the effect that changes of payroll taxes have on the economy and to determine whether there is a defect before taking the next one.

Mr. CURTIS. I am glad to have that on the record, at any rate, because I do myself think that we just can't assume that we can pay for this through increasing the payroll tax without at least looking to what guidelines we can look to in what economic impact the payroll tax might have.

Let me go to another big area where I think we must look at the payroll tax and what it might be doing, and that is this problem we have in unemployment, which as far as I can see is predominantly a problem of structural and frictional unemployment. We have already, and this is a healthy thing I think, built into our system an encouragement to automation, replacing manpower with machines, and of course a payroll tax is a deterrent, is a drag, on job creation in this context.

There is no tax on a machine. Again this is a gradual thing. Where does the payroll tax reach a point where this drag becomes significant on job creation, or turning it around, where it becomes significant in replacing manpower with machines?

This is the other economic aspect I would like to have you comment on.

Mr. GORDON. In this connection of course, Mr. CURTIS, the payroll tax is just one element and, as we have seen, a very, very small element in labor costs, and it would operate in the manner you suggest only to the extent that any other element in labor cost would tend to operate.

Mr. CURTIS. But when it gets to 10 percent and when it gets up to a $5,600 base I don't think you can say that it is a minor part. That is why I say it is a gradual thing.

I think that the payroll tax is a fine tax, like many taxes are, if kept in its proper sphere and at a proper level, but you can take any tax and overload it, like we did, I think, with the Federal corporate income tax, and create economic damage, so I am not arguing against the payroll tax as such.

I am arguing that when it gets to a point where it now, under these theories, will go up even to 11 percent and will go beyond the $5,600 base, it is at a breaking point. I think that probably already we have seen some deleterious effect of the payroll tax which isn't even that high when we include these other things that we have put on the payroll tax like unemployment insurance. This is a significant factor in automation.

Mr. GORDON. Of course we are not talking about a 10-percent tax as an element in business cost, Mr. CURTIS. We are talking about a 5.2-percent maximum tax.

Mr. CURTIS. We are not there yet and I think already, though, as I am arguing, we are seeing the impact even though it is at this relatively low rate. We have to project our minds forward in this thing. What will it do in this process if it goes up to beyond 10 percent?

Mr. GORDON. You are asking what would happen to the incentive to substitute capital for labor if the combined tax got above 20 percent.

Mr. CURTIS. Got above 10 percent.

Mr. GORDON. The combined tax. This would mean about 5 percent on the employer.

Mr. CURTIS. What is projected in this bill, which actually goes up to 11 percent.

Mr. GORDON. Of course only half of that constitutes an element of business cost.

Mr. CURTIS. Oh, no. Your employer, in effect, through wages has to pay both, so this is a tax he pays. The economic impact of the tax is 10 percent on wages because the employer gets rid of that cost if he puts in a machine.

We are relating it to substituting, as you say, capital for labor.

Mr. GORDON. I think we are getting into a real thicket here, Mr. CURTIS, and I am not sure I know my way through it. I think you are really raising the question of what is the ultimate incidence of a payroll tax.

Mr. CURTIS. You are darned right I am.

Mr. GORDON. I don't know the answer to that. As a matter of fact, of all the areas of dispute in economics that I am familiar with, this area of incidence is the one that leaves me most dissatisfied.

For example, what conclusion do you draw from the fact, which I point out again, that we have had four payroll tax increases in 5 years and yet the rate of increase in labor cost per hour, including both wage and nonwage benefits, has held more or less quite close to the rate of increase in productivity?

Do you infer from this that if the payroll tax had not increased money wages would have gone up less rapidly? They would have gone less rapidly than productivity? I don't know. But it is not at all clear to me that the whole of the incidence of the employer's half of the payroll tax is on business costs.

Mr. CURTIS. I am not professing I know either. What I am saying though is I think it behooves us to look at this and do the best we can to evaluate it, and I would think particularly the administration would when it came in in 1960 pointing to the fact that one of our problems was unemployment.

They disagreed with my analysis. I felt it was primarily structural and frictional. They said ,"No, it is lack of adequate demand." I think the past 4 years have indicated clearly that this is primarily structural and frictional relating to what we even got a term for, automation, and I don't think there is any question but that this increased payroll tax has a bearing on it.

I am not saying that this is the crucial thing, but this payroll tax does have a bearing certainly on whether or not you replace manpower with capital. The ultimate for our society, I would argue, is more automation because that is the main way we increase productivity, but in anything you can grow too fast if in the process of growing you ignore these other things. So the payroll tax, though, seems to be an encouragement, and, in fact, it is an encouragement to further automation, and all I am trying to point out is that if you load too heavily on this at this period you might aggravate unemployment.

That is the question which you have answered by saying that this has not been studied by the administration and you don't have any views or any clear answers.

Mr. GORDON. No, I don't think that is what I intended, Mr. CURTIS.

Mr. CURTIS. All right.

Mr. GORDON. All I did intend to say was that I don't have any answer to the question of the ultimate incidence of the payroll tax, which I think is a quite separate question.

Mr. CURTIS. Mr. Ball and Mr. Cohen have said that they have been in consultation with you in regard to the economic impact of the payroll tax. Did you get into this aspect of it in your discussions or did you just confine yourselves to considering the problem as far as increasing prices and then this other element which I am going to just briefly interrogate you on, on this business of the trust fund and the impact it has on the private capital market?

Mr. GORDON. As I remember those discussions, and there were several, Mr. CURTIS, they ranged quite widely, dealing with what seemed to me to be all of the important economic and budgetary issues involved in H.R. 1.

I don't remember that the discussion explicitly dealt with the question of the incidence of the employer's share of the payroll tax, largely because I don't share your view that the payroll tax constitutes a significant deterrent to the employment of labor and stimulus to the substitution of capital for labor.

Mr. CURTIS. You have answered my question quite responsively and you don't think it is an important factors because of that?

Mr. GORDON. Largely, as I say, because I think we have to concern ourselves with the magnitudes involved. We are dealing here with the maximum employer tax of 5.2 percent; and yet, in any 2-year period, labor costs per hour will rise by more than that. Over a decade, as I say, we are talking about something like a 40- to 50-percent increase in labor costs per hour arising from increases in productivity, and I would consider that a 5.2-percent payroll tax as an element in business cost would be a quite small factor in relation to the other forces which determine the money costs of employing labor.

Mr. CURTIS. I can see we are at some variance. I don't think that the pricing frankly is as serious as I think this unemployment factor is, but we have examined this to my satisfaction to find out the amount of attention you paid to it.

Mr. GORDON. I am not sure that I see the relevance of the earlier point you made to what we are talking about, but I would have thought that the experience of the last 4 years, Mr. CURTIS, would be very difficult to interpret as supporting the proposition that our unemployment is mainly structural.

I have always accepted both the structural element and the aggregate element.

Mr. CURTIS. The best answer I can give you is the administration said, "Give us the aggregate demand and unemployment will go below 4 percent," and here we are in one of the most unsatisfactory recoveries we have had from a recession as far as unemployment is concerned. I might add another factor; which is part of this: As far as the balance of international payments is concerned, the two great problems that this administration rightly stressed, I felt, in the 1960 election, "But we are going to correct these two things," and here we are 4 years later and as far as balance-of-payments is concerned it is in my judgment in a disastrous situation.

As far as unemployment is concerned there has been a very unsatisfactory result from it.

Mr. GORDON. On unemployment, Mr. CURTIS, there are about 4½ million more people at work today than there were in early 1960 and I would think that if the barriers to expanding employment were largely structural, that is, an inability to match the skills of workers with the demands of employers, it would be very hard to explain where these 4½ million new jobs came from.

Mr. CURTIS. I can tell you and you can look at the record. They come in the service fields. That is where the jobs came from, and you can almost take the decline in agricultural employment over the decade of 42 percent and compare it with a 43-percent increase in the services field.

Could you have a more vivid example of a change in structure? But, Mr. Gordon, I would refer you to the very standards that the administration set up as to what they thought they were going to achieve and the answer is by the administration's standards you have fallen short far short, so doesn't that suggest you might review your promises?

Mr. GORDON. There has been a decline in the rate of unemployment from about 7 percent in early 1961 to 4.8 percent currently and an increase in the number of people gainfully employed of 4½ million.

Mr. CURTIS. Don't you as an economist relate that to other periods of recovery? That isn't growth. That is recovery from a recession and in relating that to other recovery periods that isn't a very good record, recovering from a recession.

Mr. GORDON. I haven't looked at those numbers, but I would think that 4.5 million in a recovery period would still stand up very well in comparison with any other period.

Mr. CURTIS. I am used to talking with economists who are talking of comparing apples with apples. I am not talking about what you give out to the public. You can distract their minds. But when economists seem to measure recovery periods, they measure them in respect to other recovery periods, and all I am saying is that as far as unemployment is concerned we have had an unsatisfactory recovery from our unemployment rate compared to other periods of recessions.

Mr. GORDON. I would certainly agree with you, Mr. CURTIS, that we have to do better than we have so far, that 4.8 percent, which is the current unemployment rate, is still too high, that we have to reduce it, but I think that that position is perfectly consistent with recognizing the enormous gains we have made in the last 4 years.

Mr. CURTIS. You are relating to one thing and I said how does the payroll tax affect unemployment, and then you were giving me the answer, "Well, we have done pretty well," and I said, "Yes, we have done pretty well in other areas of economic recovery," but I was talking about this one area and saying——

Mr. GORDON. I would say pretty well in that area, but, not as well as I would like and not as well as I hope we are going to do.

Mr. CURTIS. Maybe the payroll tax has something to do with it. You don't think it does, but you certainly can't fall back on, as you have done, the kind of answer to say let's not look into the economic implications of the payroll tax.

Mr. GORDON. Mr. CURTIS, when total labor costs per hour including payroll taxes and all other indirect labor costs are increasing no more rapidly than output per man-hour, I would find it very difficult to see how the payroll tax increase has had any significant effect on the employment figure.

Mr. CURTIS. As a macro-economist you are dealing in aggregates, and I say it is about time we got into some of the details, particularly in this structure. You can't deal in aggregates. You can be doing very well in certain areas and that compensates for the areas we are doing so poorly in.

To understand a payroll tax one has to dig into the details.

Now, if you want to continue, as the administration has, dealing just in macro-economics, you will never, in my judgment, come up with proper solutions, but I think we have examined it enough to satisfy me, what I felt all along, that the administration is not weighing or trying to evaluate what an increase in this payroll tax to around 10 or 11 percent might do in this area.

Mr. UTT. Will you yield at that point?

Mr. CURTIS. Yes.

Mr. GORDON. I think we have evaluated it, Mr. CURTIS. I tried to do it here.

Mr. CURTIS. You don't think it is important. That is all right.

Mr. GORDON. This is an element in business cost. I think that is an accurate conclusion.

Mr. CURTIS. That is right. You have evaluated it by saying you don't think it is very important, which is a perfectly proper conclusion to reach and points up where we differ.

Mr. GORDON. To put it more accurately, I would say that this is a small factor in comparison with all the other factors which determine the trend of money costs of labor.

Mr. CURTIS. Mr. Gordon, it was small, but not enough so that you thought it was significant enough to put any research and study into it. That is what I want to be sure of. I think I am being fair in saying that you thought it was so small and insignificant that you didn't research and look to see if it might be significant. I think you just presumed that it is small.

Mr. GORDON. I would have thought, Mr. CURTIS, that the answers I gave earlier would provide a persuasive basis for the conclusion that the increases in payroll taxes that we have had in the last 5 or 6 years have not operated in the way you fear they may operate.

Mr. CURTIS. No, you haven't at all. In fact, you have just confirmed what I felt all along was probably the case.

I still must say that I am not advancing anything more than a theory because it isn't proven, but I think it is about time the administration began recognizing that what they advance is a theory and not anything proven either. Then we are on the same basis, but when one advances theories one continues to look to see what the evidence might reveal, and if the evidence continued to develop along the way I think it has been developing, then it is foolhardy for the Congress in behalf of the people to keep loading on to the payroll tax. I think that Secretary RIBICOFF was very wise in pointing up this 10-percent figure, not just from the standpoint of increased prices, and I do appreciate your answer there and I think it has merit.

I point out I thought your answer was too limited, though, and I added the other factors that I thought ought to be evaluated to be really assured that it won't hurt us even in the price end of it.

Then I turned attention to the unemployment area and there your evaluation is that you don't feel that this is a significant factor, and there is our disagreement. Mr. Utt wanted me to yield.

Mr. UTT. I wanted Mr CURTIS to yield to this point of the effect on employment. I think a very simple example of that would be if I have a thousand employees and my production cost on social security alone would be $230,000.

Therefore, I am going to look around to find a way that I can let 30 men off in order to save that $230,000 in my production cost, so it would have an effect on even a thousand employees, that I would have to let 30 off in order to keep my production cost down to what it was before I had to pay $230,000 a year as my part of the social security cost, and I think that would have an effect on employment.

Mr. GORDON. Well, sir, if you could produce the amount of output you want to produce with 30 fewer employees than you now have, you would have a very good incentive for reducing employment by 30 whether or not there were payroll taxes.

Mr. CURTIS. One other thing for the record. I have constantly referred to the payroll tax as one of the most regressive we have, and the reason being of course that it is only wages and salaries up to a limited figure, $5,600 or whatever it is, no tax on income derived from any other source, such as capital gains, stock dividends, and so on, but also because it is a flat tax.

A bachelor with no dependents pays no more than a person with five children. I simply pose this because there have been some who have said that they didn't think this was quite as regressive as I have described it in these words.

Do you recognize this to be a regressive type, a tax of this nature?

Mr. GORDON. It is certainly a less than proportional tax, Mr. CURTIS, less than proportional because you do have this wage base and wages over the base of course are not taxed, so from that point of view, it is on the regressive side of proportional.

Of course increasing a wage base has the effect of moving it more towards proportionality and away from regressivity. I think the main point that strikes me, though, is that in a program of this kind in which an earmarked tax is used to finance a specific program of benefits, you evaluate the regressivity and progressivity of the total program, not simply the tax half of it; and of course there is a high degree of progressivity on the benefit side of this program.

Mr. CURTIS. There was, yes. Of course if we use these terms we can't use them when we present this matter to the Supreme Court. The Supreme Court if we called this an earmarked tax would, I think, relying on precedents call it unconstitutional.

Mr. GORDON. If that is the case, I withdraw the term, Mr. CURTIS.

Mr. CURTIS. You are correct from the economic standpoint and I think that you are right that the payments out are, somewhat proportional but the tax still is of this nature. If you could finance these same kinds of benefits through a progressive tax you would not have that.

I happen to share Mr. MILLS' views that, for other reasons, because of expenditure controls, there is this advantage. Nonetheless, I am not much of an admirer of some of these big corporations that have suddenly realized that they can pass off from the corporate income tax over on to the payroll tax part of the cost of financing the retirement of their employees. They deal in dollars and cents and I think that the substitute of a payroll tax for this financing is a real step backwards.

Many of our corporations, thank goodness, through the incentive that the labor leaders have given them are writing health insurance benefits for their retirees and, in effect, that is financing through an indirect way.

It is financed through the corporate income tax, because they are forgiven that amount. That can be deducted from it, and they see that they can remove that kind of cost and put it over on the payroll tax. I think it would be better in the long run for the Government to encourage the development of the pension plan technique of extending to health insurance, prepaid, because these plans are funded, and carry over to the nonworking years. This is the reason I offered a bill which is now law which permits the corporate pension plans to put into health insurance and not lose their tax exempt status, which might have been the case but for this legislation. The UAW contracts that were just entered into availed themselves of this new law to assist in the main thrust. There are some very fine health insurance benefits in the recent UAW contracts.

This is why I wanted to point up the difference between these two taxes and why I think the thrust of the administration should be along this other line.

Finally, your prepared statement relates to the theories behind the financing of the benefits, which is now, as I interpret it, that the reserve fund is only a sort of contingent reserve. You do agree with the Advisory Council that this fund should not be built up too heavily because it will take from the capital markets at the time?

Am I right in that theory?

Mr. GORDON. I don't believe I addressed myself to that question in my statement, Mr. CURTIS. I accepted the financing plans which are projected for H.R. 1 as sound plans and talked about the various ways in which we could adapt the total fiscal policy of the Federal Government to the fact of this financing plan.

Mr. CURTIS. On page 4 you say: "For example, a $4 billion net accumulation in the trust funds would yield a balance in the consolidated cash budget even though the administrative budget were $4 billion in deficit. This means that the administrative budget deficit would be financed without drawing any funds, net, from the capital markets" and so forth.

I was relating it to the Advisory Council's recommendation that they would not in the period when you would be adding $4 billion to the reserve fund if we didn't change these tax schedules, but you were approving of that fiscal theory.

Mr. GORDON. I am afraid I can't agree with that, Mr. CURTIS. I don't mean to suggest I disagree with it. I simply was not addressing myself to it.

Mr. CURTIS. Oh, you weren't?

Mr. GORDON. I was giving an example of how the focusing on the consolidated cash budget rather than the administrative budget gives you a truer picture of the total impact of Federal financial activity on the economy, and showing how offsetting surpluses and deficits in the trust funds and the administrative budget affects the financing problems of the Federal Government.

Mr. CURTIS. I read more into it then than you intended. I am glad I asked that question to clarify it. The reason I asked it is this, and if you have any judgment on this I would be glad to get it.

When the social security system was originally set up it was on a different fiscal theory, as I understand it, that they were going to build up the reserve fund and rely on it for income from the investment as bearing a reasonable part of the cost.

Mr. GORDON. Isn't that still the case, Mr. CURTIS?

Mr. CURTIS. No; in the recommendations here they say that really interest earnings will be such a negligible part that it should not be a factor. For that reason they are suggesting that they cut back the pay rate so that the Government doesn't accumulate in 1 year, for example, $4 billion of reserves to build the trust fund.

Mr. GORDON. I wasn't aware that they had made such a recommendation, Mr. CURTIS. My impression was that the projections for receipts and disbursements under H.R. 1 looked toward a situation in which something like 10 to 15 percent of the total payments would be financed by interest on the trust fund.

Isn't that correct?

Mr. CURTIS. No; I think that you find the main thrust in this report of the Advisory Council on social security is as I have described it, and I have interrogated on this. I don't think there is any question on that.

Whether they would come to the full conclusions that I am about to address myself is another question.

Mr. GORDON. Perhaps, Mr. CURTIS, Mr. Ball could comment on the recommendations of the Advisory Council.

Mr. CURTIS. Yes. I would like to have them stated so you can get the comments on how they actually have presented it.

Mr. BALL (Commissioner of Social Security). Mr. CURTIS, I think the Council took more the position that in the short term they did not feel that it was desirable to create that size surplus, but they didn't take the position really one way or another as to whether at a later period it might not be desirable to have a significant surplus.

However, this is all within the setting of their saying that they didn't believe that interest income was really a significant issue any longer in the financing of the program because at the maximum under present law the interest income really only supplied from 10 to 15 percent of benefit costs and, on the other hand, going all the way over to an

absolute contingency fund, a reasonable contingency fund, it would supply about 5 percent of the total benefit cost of the program, so they said really an issue between 5 on the one hand or 10 and 15 percent on the other didn't seem to them any longer a major fiscal problem or issue in the financing of the program.

Mr. CURTIS. All right. Actually on page 20 of the Advisory Council's report I have the language, reading from the top of the first full paragraph: "Holding the trust funds to reasonable contingency levels instead of allowing them to increase as they would under the presentation schedule will of course mean a loss of interest income to the program."

Then skipping down to what I think is the next main thrust, beginning at the next paragraph: "The Council does not consider the use of interest in the financing of the program to be a major issue. A reasonable contingency fund will result in interest earnings which will supply 4 to 5 percent of benefit costs."

Now, this becomes significant in light of the fiscal theories on which the social security system was first set up where there was talk of keeping the reserve fund to, say, a ratio of four to one in relation to annual benefits, and that interest was to be—we are using comparative terms—a significant part of bearing the cost.

Mr. BALL. Mr. CURTIS, just to complete the record as far as the Council's recommendation there on your reading from the top of page 20——

Mr. CURTIS. Yes.

Mr. BALL (continuing). At the beginning of that paragraph at the bottom of 19 I think it might also be well to include what the Council says there. They say: "The Council believes that reducing the schedule rates as suggested for the 6 years," after 1966, "would not threaten the financial soundness of the program."

Mr. CURTIS. In 1965.

Mr. BALL. In 1965; yes, sir. Then it goes on to explain just as you read. I think, in comment on your last two points, that it is true that there has been a shift in degree from the extent to which interest was going to finance the long-run costs of the program as it was originally set up and the law as it is today.

Then the size of what is a reasonable contingency fund to carry through a possible recession I think is a very important point.

I am sure the Council would not think that it needed to be as great as four to one in order to accomplish that. You remember the trustees always include an example of a serious recession type and in the last report the present fund survives a very severe recession very well and that is a ratio of about 1 year of benefits to fund.

Mr. CURTIS. About a one to one. What I think they are on now is the theory of a contingent reserve along that line, and of course they get interest, Mr. Gordon. I wouldn't argue that. They get interest from the $18 or $19 billion that they have in the fund, but right now I think we are paying out at the rate of over $15 billion a year.

Mr. BALL. It is $17 billion.

Mr. CURTIS. Incidentally, I was going to contrast this with the civil service employees retirement fund which I understand is about $14 billion. That, of course, is more on the basis of what is done in the private sector and is a truly reserve fund although it may be inadequate.

I understand it is inadequate on that assumption.

Mr. BALL. Mr. CURTIS, just to clarify the record there, I don't believe that it would be proper to say that the Council went all the way to saying this should be only a contingency fund. I think it is proper to say that they feel it has to be at least a contingency fund and that they don't think it is an important issue that it be much more, but, on the other hand, completely consistent with what Mr. Gordon was saying, they left open the real probability that at certain later points in our economic development in the business cycle it might be a very good thing for there to be a substantial surplus built up and they saw no problems in that either.

Mr. CURTIS. In that on the other side.

Mr. BALL. Yes.

Mr. CURTIS. That is a very fair comment. One final thing. I think I am right, but do you know, Mr. Gordon, whether the $14 billion, or whatever it is in the civil service employees fund, is invested in Government bonds too? Isn't it limited to that, or isn't it?

Mr. GORDON. Yes; it is. The figure as of the end of fiscal 1964 for the balance in Federal employees retirement funds, was $14.8 billion. That is correct.

Mr. CURTIS. Thank you.

INCENTIVE TAX TREATMENT FOR TEACHERS

Mr. CLEVELAND. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. QUIE] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. QUIE. Mr. Speaker, I have today introduced a bill to provide incentive tax treatment for full- or part-time teachers or professors who wish, of their own initiative and ambition, to improve their teaching skills by obtaining further education. This is a companion measure to H.R. 6275, introduced earlier by the gentleman from Michigan [Mr. GRIFFIN] and indicates my wholehearted support and admiration for the bill which he has introduced. In fact, I believe that passage of this bill is vital if we are to remove a glaring inequity which currently exists while encouraging teachers to act of their own volition to relieve the acute shortage of highly trained professional educators needed on the college and university level.

The inequity is this: Under the current rulings of the Internal Revenue Service, teachers are already allowed tax deductions on the expenses incurred in obtaining further educational training, but only if they are threatened with reduced income or status, or lack of employment. There is absolutely no provision for encouraging teachers who, of their own free will and as a result of their personal initiative, wish to improve their skills. In other words, as the gentleman from Michigan has pointed out, we actually penalize the very teachers who are most interested in self-improvement and advancement.

Under this bill, teachers would be allowed to deduct from their Federal income tax expenses incurred for tuition and fees, expense of travel away from home and up to $100 a year for books and related materials. Such deductions could be claimed by part-time or full-time teachers or professors who undertake academic work in accredited institutions of higher learning.

Mr. Speaker, I believe that the need for even better trained educators is obvious. I believe that the fairness and incentive-producing qualities of this bill to encourage teachers to obtain further educational training, is obvious. I respectfully commend this legislation to the attention of my colleagues and suggest early and positive action on it.

VOTING RIGHTS

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

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

There was no objection.

Mr. WOLFF. Mr. Speaker, I believe that our President has given the impetus, with his voting rights bill, for a movement of securing voting rights for all Americans. I support the President wholeheartedly on the need for this bill, but I feel that this right must be further protected and engendered within our country.

The second section of the 14th amendment of the U.S. Constitution presents a vehicle for insuring voting rights. This section would lower a State's representation in the House of Representatives when inequitable standards are employed to deprive citizens of their inalienable right to vote. That this vehicle has never been utilized is manifest by the present lack of voting rights rampant in a number of Southern States.

I offer this body a bill which will revive this atrophied area of the law of the land. This bill would provide the genesis for full implementation of this powerful mandate given the American people by our Constitution. The motivation for installing equal voting rights and its inherent social transformation must be given every leverage that is legally and constitutionally available. This bill provides the procedure to drive home the evil consequences that follow the denial of the right to vote, by denying this capital right in turn to those who would deny it of others.

NEW YORK CITY IN CRISIS—PART XVIII

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

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

There was no objection.

Mr. MULTER. Mr. Speaker, I commend to the attention of our colleagues the following installment of "New York City in Crisis," which appeared in the New York Herald Tribune of February 8, 1965.

This article concerns itself with urban renewal.

The article follows:

NEW YORK CITY IN CRISIS—RENEWAL SURVEY—WHY WON'T THE CITY RELEASE IT?

(By Marshall Peck)

Back in May 1962, when the city announced final plans for a massive $200 million West Side urban renewal project, Milton Mollen,

Mayor Wagner's housing expert, described the program as a "rescue of a neighborhood."

Perhaps the increasing charges of urban removal and bulldozing—where lower income residents were driven out of their homes into another slum—had been true. Now, according to city officials, it would be different. This time, as the West Side project (covering some 22,000 units) would demonstrate, New York City would show the country how "human renewal" really worked.

"For the whole city, the project is a huge demonstration that it is not necessary to blast a neighborhood off the map and start afresh to build a good one," Mr. Mollen said in a booklet put out by his housing and redevelopment board. "It is a bold attempt to save the old while building the new; to maintain diversity in people and housing while making the area more livable. * * * Designed specifically for the needs and characters of this neighborhood, it will offer valuable insight into other types of renewal geared to other neighborhoods."

Nearly 1 year later, Mr. Mollen and the city housing people decided to take a look at just how well their "human renewal" program was working.

They commissioned a special study—the Greenleigh survey—at a cost of $230,000 in taxpayers' money. The report was completed last fall, but it has not yet been released. According to city officials, it may be made public any day now, but some observers believe that it may never appear in its original form.

If this should happen, it will not be a unique fate for surveys about the operations or needs of the city of New York.

A city aid familiar with the less than enthusiastic reception accorded the findings of the survey by official circles, said he understood that in past months there have been three different release dates. All have come and gone, and still this survey, ordered by the city in the public interest and paid for public funds, remains unaccountably behind official doors, unavailable to others who might make use of it.

For, unlike a business enterprise, the city government does not merely obtain a survey and then reject it or accept it, expeditiously. Rather, the reaction to a survey is something that often amounts to a "hands off, we wish it would go away" attitude. On some surveys, the city sits and stews and the public never gets to see the report it paid for. At other times, the survey is recast, or reduced, so that the published version is palatable to the city administration.

Last Wednesday the Herald Tribune reported on the Arthur D. Little report, which is now being circulated, but only to the highest city officials (commissioners and up, said one of them), who are discussing among themselves its critical summation of New York's inability to keep business enterprises from moving out. The Little report was started in mid-1963 and was finished last fall, but there is still no word on when New York's interested business community will get to read it.

WAITING ON ANOTHER

The city is equally restrained in its publication of the Greenleigh survey. This was initiated in July 1963, and its field work got underway in September 1963. Its purpose was to examine the social needs of people who were being relocated in the west side urban renewal area. It was intended that the survey would inquire into what was most needed by these people to help them adjust, economically and socially, to the problem of relocation.

The Greenleigh survey reportedly makes these findings:

There have been, it is felt by the people in the west side urban renewal area, shortcomings in relocation services, in regards to welfare, health, and education.

That the people are not being prepared well for the transition.

That something has been missing in the handing of those involved.

Mr. Mollen, just named as city housing coordinator, says that the survey "will not be ready for a week or 10 days." Mr. Mollen explained that the Greenleigh survey had been recently undergoing a review by the seven-man mayor's executive committee on housing, and that he had only had the finished report for a week or 10 days.

Mr. Mollen said he viewed the report as complex and interesting. Asked if it was critical of city handling of relocation problems, he answered:

"It makes recommendations—I wouldn't say it was critical. But it points up problems that exist."

A spokesman for the department of relocation said that the reports, in preliminary form, had been completed last fall. The spokesman said that its release to the public was so imminent that it might be out today or tomorrow.

Spokesmen in two city departments ordinarily familiar with studies underway, or being passed around, at first voiced ignorance of the existence of such a study. One even volunteered, "I don't know of any such report," before acknowledging, when Greenleigh was mentioned, that yes, this survey was on its way to public presentation.

But whether this report does come out today, or tomorrow, or any day, is by now almost an academic point as its specific objective was to examine the West Side urban renewal area.

Of course, the findings of the survey can be used in future urban renewal elsewhere, but community representatives in the West Side urban renewal area fear that this pioneering study will be of no help to them. "It was supposed to find out the flaws, and how to correct them," said a member of the Strycker's Bay Neighborhood Council, which groups 50 civic organizations and institutions in the West Side urban renewal area, "but nobody knows if they are ever going to apply the results to our community."

Under a "lost and found" heading, the January issue of the bulletin issued by the Strycker's Bay Neighborhood Council lists the Greenleigh report as "one of the mysteries of the West Side."

It adds: "A copy was deposited with the Housing and Redevelopment Board several months ago, but nothing has been published. The mayor told us he would like to see it also."

This extraordinary plaint by the city's chief executive reportedly was made shortly before Christmas when Strycker's Bay Council members met with him at city hall.

Father Henry J. Browne, president of the council, recalls that when he asked Mayor Wagner if the Strycker's Bay group could see a copy of the report—at least its general conclusions, so that the council could learn the results of the professional assessment of relocation—the mayor answered:

"I'd like to see it myself."

Mr. Wagner, apparently, still has not been informed in detail on the Greenleigh report, for a request for a comment by him on the study was turned back by an aid, who answered:

"The mayor will stick with what Mr. Mollen has to say."

Father Browne, pastor of St. Gregory's Church on 90th Street, says the Greenleigh Survey is "apparently very critical of many city agencies." Whatever is in the report—and he emphasizes that he believes Greenleigh Associates carried out the interviews with 2,500 families conscientiously—Father Browne regrets that the results of such a major study, which Mr. Greenleigh takes pride in describing as the first of its kind, have taken such a long time in being passed along to the people involved.

NO COMMENT ON FINDINGS

"We haven't been given the opportunity—yet—to learn of Greenleigh's findings, and either dispute them or fight to see them put to use," said a member of the Strycker's Bay Neighborhood Council. "It may not have come up with findings that we feel are the most important. But we've been asking to see it since last summer. I feel it is being squelched because the reaction of city officials was not favorable."

Mr. Greenleigh declined to comment on details or findings of the report, furnished to the city by his company, which he said had been completed at the end of last year. He said, however, that he believed it contained a "great deal of significant data, and had sought to find out what is needed to help people being relocated to qualify for housing and new neighborhoods."

A staff of 35 persons conducted the survey, with some interviews lasting 1 and 2 hours. Mr. Greenleigh said that one-third of the cost was paid by the city and the rest by the Federal Housing and Home Finance Agency. The survey's aim was to cover the entire 20-block area—from 87th Street to 97th, between Central Park West and Amsterdam Avenue—that comprises the vaunted West Side urban renewal area.

The undeniable ambitious urban renewal project has been regarded as a pilot for future renewal programs, or as James Felt, former chairman of the city planning commission, put it, a "great lab." "It's the first time that the city has attempted to revitalize an area of serious decay," said a planning commission spokesman, "using the whole range of renewal tools—rehabilitation, conservation, and redevelopment—combined with intensive code enforcement, combined with three-phase staging."

Yet, all these hopes for success, voiced by a practical technician, can be undercut by poor handling of relocation on the person-to-person level. And last November, at the end of the month, at a time when the Greenleigh survey showing deficiences in the city's application of its relocation methods was, it seems, becoming known to leading interested city officials, the mayor and Mr. Mollen both cited the West Side project as without blemish.

Reports by Mr. Wagner and Mr. Mollen, in a New York City-sponsored supplement, spoke in glowing terms of successes achieved in relocating the human beings while their homes were being rebuilt or refurbished.

In fact, according to Strycker's Bay Neighborhood Council people, there have been widespread problems of liaison and guidance between the city and those who must move.

"It's not out of intent," was one comment, "it's just bureaucracy at work; but sometimes what is lacking is that matter of compassion."

NEW YORK CITY IN CRISIS—PART XIX

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

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

There was no objection.

Mr. MULTER. Mr. Speaker, in 1960—5 years ago—an 800-bed hospital for Harlem was approved by the New York City Board of Estimate. After much delay and interruptions of various kinds construction was stopped altogether 1 year ago and the projected completion data of late 1966 has, of course, been abandoned.

The following installment of "New York City in Crisis" discusses this unfortunate situation. It appeared in the New York Herald Tribune of February 9, 1965:

NEW YORK CITY IN CRISIS—1960 HOSPITAL THAT STILL ISN'T

(By Alfonso Navarez and Barry Gottehrer)

For decades, Harlem residents have cried out for a new and larger hospital to replace or supplement the outmoded, understaffed and much criticized Harlem Hospital.

And for decades no one seemed to listen. Then, in August of 1960, the board of estimates approved plans for a new $23,993,000 hospital at 135th Street and Lenox Avenue. Area residents began to think something might finally be done.

That was more than 4 years ago.

Today, Harlem residents are still waiting for something to be done.

At 135th and Lenox, where the 20-story, 800-bed hospital one day is supposed to stand, there is a hole dug out and outlined with a concrete foundation, yet still a hole and not a hospital.

Last Thursday, the Reverend Dr. M. Moran Weston, rector of St. Philip's Church at 215 West 133d Street, decided to do something about the delay, which remains a mystery to the people of the area.

With the support of his parish, he sent a telegram to Mayor Wagner. The telegram said:

"[We] are deeply concerned that only a hole in the ground instead of an 800-bed unit of Harlem Hospital is still at 135th Street and Lenox Avenue.

"Your own interest in meeting the health needs of the people of this city and especially of the poor is well known. We know something of the problems and the issues which stopped construction at this site. We know even better the urgent need for these hospital beds. We are ready to join with you and people of good will all over the city to end this shame of a hole in the ground instead of beds for the sick.

"In behalf of this parish and for the sake of the sick and the poor of our city, I call upon you to start round-the-clock negotiations with all persons needed to get construction going, to break at once the deadlock which prevents construction and to end this shame.

"What may I report from you to our people at our three services of worship this coming Sunday?"

Like thousands of city residents who deal with the city administration on matters that may seem of vital importance to them. Dr. Weston and his 4,000 parishioners are still wating for an answer.

The history of Harlem Hospital is typical of a city government in inaction.

One year after the board of estimate approved the plans in 1960, Mayor Wagner and Hospital Commissioner Ray E. Trussell, attended ground-breaking ceremonies in demolishing the few tenements that remained on the site.

By November 1962, more than a year later, the remaining 54 families had been moved from the site, the land had been cleared, and construction on the foundation (to cost $1.582 million) was ready to begin.

Seven months later, however, Negro pickets began demonstrating in front of the site, demanding more construction jobs for Negroes and Puerto Ricans and charging discrimination by the building trades unions.

Paul Screvane, city council president who was acting mayor at that time stopped construction in mid-June of 1963. He described the situation as tense, and said he had reached his decision to avoid bloodshed and allow for a cooling-off period.

NOW, NO DATE

When Mayor Wagner finally ordered resumption of work on the hospital, on November 13, 1963, he gave as one of his reasons the critical need in the Harlem community for earliest possible completion of the job. He said, however, that the tentative completion date of late 1966 would probably have to be moved back "several months."

Although the foundations were completed by March 1964, no further construction has been done on the hospital since then and now not even a tentative completion date is in sight.

Yesterday, Dr. Trussell, commissioner of hospitals, could not be reached for comment. A spokesman for the department said that a completion date could not be determined until the contract for construction of the hospital now budgeted to cost $52,596,930 (more than double the initial investment) were signed. She added that a hospital of this size usually takes 4 to 5 years to complete.

At the department of public works, which handles the letting of contracts and supervises construction, a spokesman said that the contract bids for construction of the superstructure had not yet been opened. He said the opening had been scheduled for February 10, but at the request of a number of bidders the date had been postponed until February 24.

The spokesman said that a completion date of 1969 or 1970 was not accurate: "1968 would be more realistic," he said.

Meanwhile, residents of the area have been trying to find out when construction on the hospital would begin again. Dr. Weston said he had written to the mayor 2 months ago, but had not received a reply.

ABSOLUTE NEED

"In ministering to the needs of the patients in Harlem Hospital, we find that there are many beds in the corridors of the hospital, which were designed for traffic," he said. "Why is it that the poor people are the ones who must be penalized?"

Dr. Rafael H. Gamso, senior medical superintendent at Harlem Hospital, said yesterday that the need for the new facilities was "absolute."

"The present facilities are inadequate and obsolete," he said. "I have no idea when the new facilities will be completed."

He blamed the 11-month delay in construction on changes in the building design. He said the new changes were made by new directors at the hospital, who joined the staff in 1962.

In 1962, Columbia University became associated with the hospital and new directors were appointed to head some of the departments. These directors asked for additional equipment for the proposed hospital and additional facilities for teaching and research.

CHANGES

At the department of hospitals, a spokesman agreed that the delay had been because of changes requested by the new directors. She said most of the delay was occasioned by changes required for inclusion of a new X-ray room.

"We had to make drastic changes in the building plans," she said. "Hospital planning is a lengthy procedure, but the changes had to be made to make it a better hospital."

What was the mayor planning to do about the telegram sent to Gracie Mansion last Thursday by Dr. Weston?

According to his press secretary, reached at city hall yesterday, the mayor receives thousands of letters and telegrams daily, and had not yet seen this one. Although he wasn't certain, the aid said that the telegram had probably been routed to one of the deputy mayors.

"A reply," said the aid, "will be sent in due course."

RESOLUTION INTRODUCED BY JOHN H. DENT, MEMBER OF CONGRESS

Mr. WELTNER. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. DENT] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. DENT. Mr. Speaker, under permission to extend my remarks I include the following resolution:

Whereas the greatness of the United States is in large part attributable to its having been able, through democratic process, to achieve a harmonious national unity of its people, even though they stem from the most diverse of racial, religious, and ethnic backgrounds; and

Whereas this harmonious unification of the diverse elements of our free society has led the people of the United States to possess a warm understanding and sympathy for the aspirations of people everywhere; and

Whereas so many countries under colonial domination have been or are being given the opportunity to establish their own independent states, while, on the other hand, the Baltic nations having a great historical past and having enjoyed the blessings of freedom for centuries are now subjugated to the most brutal colonial oppression; and

Whereas the Communist regime did not come to power in Lithuania, Latvia, and Estonia by legal or democratic process, and in fact took over these countries by force of arms; and

Whereas Lithuanians, Latvians, and Estonians desire, fight, and die for their national independence; and

Whereas the Government of the United States of America maintains diplomatic relations with the Governments of the free Baltic republics of Lithuania, Latvia, and Estonia and consistently has refused to recognize their seizure and forced "incorporation" into the Soviet Union; and

Whereas the select committee of the House of Representatives, created by House Resolution 346 of the 83d Congress to investigate the incorporation of the Baltic States into the Soviet Union, found that the incorporation of Lithuania, Latvia, and Estonia was contrary to established principles of international law: Now, therefore, be it

Resolved by the United States Congress, That the Senate and House of Representatives of the United States of America request the President of the United States to bring the Baltic States question before the United Nations and ask the United Nations to request the Soviet Union to do the following:

(1) To withdraw all Soviet troops, secret police, agents, colonists, and all controls from Lithuania, Latvia, and Estonia;

(2) To return to their homes all Baltic exiles and deportees from Siberia, prisons, and slave-labor camps in the Soviet Union; and, be it further

Resolved, That the United Nations conduct free elections in Lithuania, Latvia, and Estonia under its supervision and punish all Russian Communists who are guilty of crimes against the peoples of the Baltic States.

APPRAISAL OF TRADE ECONOMY

Mr. WELTNER. Mr. Speaker, I ask unanimous consent that the gentleman

from Pennsylvania [Mr. DENT] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. DENT. Mr. Speaker, I submit for consideration at this time an appraisal of our trade economy and factors bearing upon our past, present, and future economy by Oscar R. Strackbein, chairman of the Nationwide Committee on Import-Export Policy.

I have long held that free trade cannot be achieved in competitive goods produced in surplus by nations with different economic levels in wages, taxes, regulations, and government policies.

While the margin of profit has a great deal to do with a nation's industrial economy, there is an overriding factor to be considered. This is the factor of human endeavor. What profit do we show with a large surplus in dollar trade while millions of workers are displaced in some industries so that a fewer number can be employed in producing goods for export?

What profit can we show when the importer-exporter commonly classed as the middleman has a large income while the taxpayers pay subsidies for a great portion of the goods shipped in export?

What profit do we show when common production facilities move bodily into markets opened up by taxpayers' moneys through aid and loan programs?

What profit do we show when we sell a dollar's worth of subsidized cotton and import 50 cents worth of processed, manunfactured cotton textile?

What profit do we show when we encourage foreign investment while at the same time we spend billions building good will that in the end must inevitably be destroyed by foreign resentment to U.S. ownership?

No matter how much an American worker saves by purchasing a foreign made product he loses in the end if his job or his fellow worker's job is sacrificed upon the self-serving philosophy of free trade, sponsored in the main by profiteering interests and persons sincere in every respect but completely independent of the workaday life of the man who works for a living.

There is no such thing as free trade. Take the profit or need out of a traded item and it will rot on the docks.

When a product produced in one nation and needed in another which is traded on a reasonable price basis without penalties to the buyer by way of customs, import licenses, and so forth, then we can honestly say we are practicing fair trade but never free trade.

The recent auto and auto parts deal with Canada will haunt our streets with the unemployed for years to come. It will cause serious friction between Great Britain, Canada, and the Commonwealth nations. We may find ourselves being put in the position of country cousin to Canada, making up for the lost Commonwealth markets by granting more and more concessions.

It is my understanding that U.S. automakers have been forced to increase production not only of parts but of finished cars in Canada and yet the Canadian market cannot be expected to absorb the increased products.

These cars will end up in the United States or in some foreign market supplanting shipments from the United States. You can bet, there will be h___ to pay if they try to ship Canadian-made American cars into England.

The next step will probably come in the form of a common market demand for equal treatment with Canada from the United States and soon we will have $800 and $900 doodlebugs running like ants over a honeycomb.

While the following material is not my own, I was interested in its approach to the problems of trade. I believe every Member should be interested in all the views in this area of serious national welfare activities.

The letter to Mr. Meany from O. R. Strackbein, which follows, is interesting and whether you agree or not with its logic or argument, it will at least show the other side of the free trade fantasy:

THE NATIONWIDE COMMITTEE
ON IMPORT-EXPORT POLICY,
Washington, D.C., July 16, 1964.

Mr. GEORGE MEANY,
President, AFL–CIO,
Washington, D.C.

DEAR MR. MEANY: I have written you in the past about the thrust of our foreign economic policy. You have always evinced a deep interest and I have appreciated your attention to my observations.

Despite the current feeling of optimism arising from the month-to-month performance of our economy, I feel that our foreign economic policy, meaning largely our foreign trade policy, is fundamentally in conflict with the best interests of this country, and particularly, American labor.

I said something similar several years ago. Developments since that time, despite superficial appearances, have confirmed my apprehension. Not all or even the more ominous of these developments have yet surfaced. Nevertheless, they are in being and in operation.

Two very simple facts are at the root of our difficulty. First, the higher American wage levels, to which our mass production, mass consumption system owes its life, and second, the great technological advancement of other industrial countries in the past decade.

Whatever economists may have said in the past about our higher productivity acting as insulation against low wage levels abroad; today, most of the insulation has been eroded away or is by way of being eroded.

As a result our international competitive position has deteriorated badly even though this fact is obscured by our so-called merchandise export surplus of some $6 billion. It is only slowly becoming known that virtually all of this surplus is accounted for by outlays of public funds, in the forms of subsidies that make possible the exportation of wheat, wheat flour, raw cotton, etc.; foreign economic aid, Public Law 480 shipments, etc.

Our exports have in recent years been swollen by machinery sales in the wake of our rising foreign investments in Europe and elsewhere. This trend may be expected to level off and later to boomerang: meaning that we will find a proportionately smaller market abroad for the goods that we had been exporting, since our companies will produce more and more of them overseas.

We will, on the other hand, import proportionately more finished manufactures and less raw material and unmanufactured foodstuffs. This trend is 10 years old and well advanced. It means that employment is to that extent shifting to foreign plants. Our agricultural exports have grown more rapidly than any other class. This in turn means expansion in labor-sparse forms of production. More labor is usually employed in processing, fabrication, and finishing than in the growing and harvesting of crops.

In terms of employment, exchange of farm products and raw materials for finished manufactures and manufactured foodstuffs is a losing trade, as the underdeveloped countries so well know.

Even now we are insistent that Europe negotiate with us in a trade in which we would reduce further our duties on industrial products in exchange for an assurance of maintaining or increasing our agricultural export market. In terms of workers this would represent a decline in our industrial employment while perhaps adding a few hands to our fast-shrinking farm employment or possibly merely helping it to hold its own.

Perhaps the worst and most deadly aspect of our proposed further tariff reduction of 50 percent is the effect this will have on numerous industries in this country. (1) Many of them will not expand as they had contemplated or might contemplate if the outlook were brighter. (2) Instead of expanding many of these industries will modernize their plants by automating or introducing all the available labor-saving machinery, thus displacing numerous workers as a means of reducing costs and staying in business. This has been going on at a rapid pace, not all of it, of course, attributable to import competition. (3) Opening plants abroad or buying into going foreign concerns, etc.

Some of the recent announcements of prospective investments by big companies in new plant and equipment lose a good part of their sheen when we learn how much of it is earmarked for foreign installations. The statistics are not always easy to come by but some of them are startling and produce grave misgivings about the blessings of the "international corporation." It is not difficult to note the disparity of interest between labor and the corporation in this field. The latter may save itself while the former (i.e., labor) is left behind to contemplate the stagnation of employment in our manufacturing establishments, lagging farther and farther behind population growth, with a handful of exceptions.

The exceptions in the form of our "growth" industries, may be expected, in turn to come under the same centrifugal forces as those that have already spread our industries over other continents. Some of these growth elements have indeed already been drawn into the process, notably electronics. Next will be the computers and similar innovations of recent years. When the growth industries go out through the escape hatch we will find the present trend of skrinkage of the number of production workers, farmers, miners, etc., and the increase of employment in the service, trades, professions, etc., accelerated.

It can be demonstrated conclusively that this process contains in it the seeds of distinctly lower worker pay and therefore a shrinking national purchasing power. This trend in turn bodes ill for the continuing capacity of our market to absorb the output of our automating factories.

This is not all. Our know-how organization (research and development, and technological and managerial consultants), whether independent consulting firms or captives of our corporations, are spreading their wares for sale abroad. This spells a final farewell to our much-vaunted technologial leadership, while the U.S.-foreign wage gap lingers.

There are those who will look to public works of a wide variety to come to the rescue. Without minimizing the value of these to our social and economic structure we should keep them strictly separated in our minds from the processes that (1) brought this country to industrial leadership of the world (now by way of being surrendered) and (2) defended the world against the tides of fascism and communism.

We owe this system very much indeed; but nothing more do we owe it than understanding it.

My study of our present international economic dilemma has led to my recognition of the hitherto unique character of our economy. We were not the only capitalistic country in the world, to be sure. There were scores of others. They operated under the profit system the same as we. We were, however, the discoverers and elaborators of the mass-production, mass-consumption system, and were pioneers in several other previously unpracticed economic concepts. Among these were fair competition. This performed two functions. (1) It prevented the hardening of economic advantage into monopolistic centers of unchallengeable power. (2) It passed on to consumers the lower costs realized from new inventions and rising productivity and this achievement opened new markets by tapping more consumer pocketbooks.

Another concept that came to flower only in this country was that mass consumption is a product of good wages. This concept was a 20th-century product and collided with well-entrenched attitudes that saw wages simply as costs and therefore an element to be kept down in the interest of cheap goods for the market. It had not been appreciated that wages are the market's underpinning and that mass production would be self-defeating without mass consumption. We learned this lesson before 1920 but it was not an exportable product. Other countries were not willing to "buy" it.

The new system, however, moved forward rapidly and as it released vast forces drawn out by the profit motive, it lacked the restraint of competent regulation. In time it overexpanded itself, got out of balance and collapsed. The vast economic frustration that was generated all but condemned the whole system. We were on the verge of a tragic error. Having been badly stung, the frustrated elements, which were numerous and countrywide, called for strict regulation and looked more and more to the Government for leadership.

Since we had indeed learned the lesson of purchasing power and its dependence on employment, we easily jumped the gap and concluded that employment however brought about would pull us out of the economic depths. Therefore we adopted public works as the magic formula; but we still had a feeling that this was not, as indeed it could not be, the final answer, for we looked on it as pump priming.

We had come to appreciate to a degree the dependence of our system on the dynamics of production for profit rather than production for use. It was the incentive for profit that had brought inventors or discoverers and enterprisers together and lured each into prodigious efforts. It was also the profit motive that animated the builders and constructors and gave them, too, a strong motive for extra exertion.

Then we needed the merchant to open markets for the growing stream of goods, especially the new devices, new products, newfangled ways of doing things, about which consumers were notoriously skeptical; and he was flanked by salesmen and advertisers who told the consumers in exaggerated terms about the wonders that awaited them if they but loosened their purse strings. How well the merchants, salesmen and advertisers performed their function was very important to the mills, plants, factories and mines, and their workers.

Our system expanded remarkably and the bulk of production began to aim at the secondary consumer demand as distinguished from the primary. The demand for the necessities and the staples was quite stationary and could be expected to expand only with population increase. The market for the goods that catered to the secondary desires, on the other hand, could be limitless and its expansion depended on purchasing power.

This secondary market, while extremely attractive, was, however, much more sensitive than the other. It could collapse much more suddenly than it could be developed. People had to eat but they could do without the frills and the luxuries.

This fact, i.e., the sensitivity of the market for the nonessentials, introduced in magnified form the element of confidence as an important psychological factor in the business world. It was not difficult to calculate how many pounds of salt, sugar, flour, potatoes, and beans, or yards of gingham would be needed for the market. The number of stomachs was equal to the population, and the number of people to be dressed was the same. It was a different matter to forecast the demand for gewgaws, frills, and fancy goods because the demand could fluctuate from peak to valley in a short time, influenced by stimulative or discouraging economic events.

Investment in the production of the secondary goods therefore was guided in great part by confidence in the future. This confidence was usually slow in the coming after a panic or depression. It was tentative and hesitant. In time, if expectations were filled, it gained momentum and then little by little exuberance ousted the hesitancy, and we floated into an era of prosperity.

Because of the lack of controls or regulations, as mentioned above, we characteristically soon ran through the top and then crashed.

Why then cannot public works, school and hospital building, road and dam construction, etc., perform the same function as the profit motive? These pursuits are profitable. Why then can they not spark and maintain a longrun wave of rising business activity?

It is because they are not hitched to futurity in a continuous flow, as is represented by consumer demand for goods. Public works are necessarily piecemeal, disjointed, independent, and are broken into nonrecurring units. When the public money stops, they stop. Contracts are gained through bids and there is no production line running indefinitely into the future.

Public works may indeed spark a rising confidence by putting money into circulation but, unless they are accompanied by confidence-inspiring factors they will not put the business escalator into gear. This latter can only be accomplished by a promising outlook for rising sales volumes, not of staple products but of the nonessentials. Today the goods that are sold above the subsistence level carry the greater burden of our economic prosperity. This fact, again, points to the importance of employment at good wages, but pointing to these goals does not of itself attain them.

What is obviously needed is a meshing together of the various indispensable factors that support each other and without any one of which the system will give a poor account of itself. In a planned economy in which production is for use rather than for profit there can be little or no play of the imagination that devises new products, new designs, and new uses. There is little incentive.

To what purpose then awaken new visions, novel ideas for emancipating man from uninspiring toil or lifting his eyes to enjoyment of the good things of life if these aspirations cannot be met? We merely create then a revolution of rising expectations ahead of our capacity to meet the expectations. Give the innovators, the enterprisers, producers, and the merchants a stake in the success of meeting the rising expectations by assuring them that they may enjoy the fruits of their labor in the form of attractive rewards, and the maximum of output will be produced. As the demand continues, supported by purchasing power, the incentive to exertion of extraordinary effort continues. The process becomes self-propelling.

This is what our system set out to do hitherward from the Civil War. It ran into trouble from time to time and stumbled and fell. After the last great debacle, to repeat, we looked more and more to government and placed our economy under increasingly strict controls. We had about lost confidence in the profit system. There were indeed those who thought we had somewhere else to go and should discard our system.

We learned a hard lesson; but we did gain some substantial understanding of our economy. We fashioned cushions against the crashes and slowed downtrends so that the crashes could perhaps be avoided altogether. Notably during this period, we extended the concept of fair competition to the field of purchasing power by establishing a floor under wages and a ceiling on hours. This is to say, we prevented the sweatshop operator from breaking down the bulwarks of purchasing power through wage cutting.

We threw overboard the old notion that the best way to achieve low-cost goods was by depressing wages, because we had recognized the function of more money in the hands of consumers as the magnet that would pull toward lower costs through greater productivity and mass production. The enterpriser knew that if he could market an excellent product at a low price he could be reasonably sure of a bonanza. This factor was a part of the self-propulsive mechanism that is absent from public works.

Now, because of international political considerations and because of a residue of philosophy that disdained the entrepreneur and debased his function, we halted our understanding at the water's edge. The fairness of competition both in respect to domestic production and domestic wages, to which we wisely attached ourselves, was not extended to trade from abroad. Yet it must be clear that competition from other lands could produce as much havoc as unregulated domestic wage and price competition. Of course, we could not legislate for foreign countries; but we could regulate the competition of their goods as they came into this country.

We took an opposite tack. We undertook to dismantle the defenses that we had; and some of them were no doubt higher than necessary; but we overlooked the function of confidence as a factor in our economy. We also refused to recognize the hitherto uniqueness of our system. We seemed to think that it was very sturdy rather than sensitive; roughhewn and bold rather than tentative; always sanguine and chafing at the bit rather than hesitant and sometimes timid until reassurances bolstered its morale. We seemed to think that we could beat the system over the head with impunity. That was another error.

Now that other industrial countries, having observed the unbelievable energy of our system and its prodigious output during the last World War, have adopted important elements of this system, we have lost our unique position. We are now surrounded by and exposed to systems of production that are fast on our heels, using our own production methods and enjoying new heights of productivity but retaining distinctly lower levels of wages.

Under our trade policy we accept goods from abroad manufactured under wage standards that have with wisdom aforethought been outlawed in this country.

I have already noted the consequences of such a policy in breakdown of confidence, flow of investments to greener pastures abroad and the eventual relative shrinkage of our exports (which is exactly what our trade policy is supposed to avoid). I have also noted how the pressure for automation is enhanced by import competition under circumstances that rob the worker displacing process of the classical benefits attributed to automation.

We cannot expect our economy, if we take note of its morale and spirit, sensitive as these are to market outlook, to lead forth at its best when it is exposed outwardly to conditions that we have recognized as crippling and disruptive when coming from within. No business will venture when the horizon is dark or threatens a storm; and that is what rising competitive imports, freed from regulation, pose to many of our great industries. These, the latter, let us keep in mind, can escape, as many have been doing; but what do we say to their workers?

And what do we say to small industries and to the communities that cluster around them?

Again, we should draw a distinction.

1. If the imports consist of the staples with a well-defined and rather stable per capita consumption, they will displace that much domestic production, unit for unit. They will do measurable damage but this may be offset by opening foreign markets to exports that we would not otherwise enjoy.

2. If the imports on the other hand consist of goods of the kind already mentioned; i.e., those that cater to secondary consumer needs we get a double bill of damage or more. The direct displacement of labor will be the lesser part of the damage. Less visible but more extensive and oppressive damage will come from the pall of uncertainty and shattered confidence thus generated plus the compulsion unseasonably to automate as a means of meeting the import competition.

This, I think, is the burden of the import problem and represents the dilemma posed by a number of past tariff reductions and by the proposed new ones.

I hope that the foregoing is an objective analysis and that you will entertain it in that light.

With all best wishes.

Sincerely,

O. R. STRACKBEIN,
Chairman.

COMPENSATION FOR ACQUISITION OF REAL PROPERTY

Mr. WELTNER. Mr. Speaker, I ask unanimous consent that the gentleman from Rhode Island [Mr. ST GERMAIN] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. ST GERMAIN. Mr. Speaker, the bill I am introducing at this time would carry out the recommendations of the report, entitled "Study of Compensation and Assistance for Persons Affected by Real Property Acquisition in Federal and Federally Assisted Programs," submitted by the Select Subcommittee on Real Property Acquisition, after a 3-year study.

For some time now I have been deeply concerned with the subject of just compensation for the acquisition of real property. In the 88th Congress, for example, I introduced H.R. 3991, which would have provided relocation assistance for displaced families and businesses. It was disheartening to me that this measure was not considered on the House floor, as it would have assisted many displaced families in my own district, who, at that time, were suffering severe hardship due to the condemnation of their homes during the cold winter months.

It is my strong belief that we have reached a point where there must be some standard of compensation and other assistance given to private persons and businesses affected in one way or another by the acquisition of real property under Federal and federally aided programs. Our present laws, rules, and regulations result in many inequities between those whose property is taken for one Federal project against those whose land is acquired for another Federal project.

In case my colleagues may misunderstand, I am not questioning the right of eminent domain, but I firmly believe that "just compensation" must be defined with a view to the spirit rather than the letter of the law, in fairness to persons and businesses which are affected by the taking of land for military purposes, for highways, for uses such as post offices, Federal buildings, for urban renewal and other numerous programs which require that land acquisition be uniform.

In many cases the persons affected by acquisition of land have not received even the appraised value of the land. Yet in other cases, involving different agencies of the Government, the full appraised value of the land is given.

Another phase of the problem involving businesses, is the loss of source of income by relocation of main highways, and so forth. Provisions should be made for uniform compensation for the removal of the source of income, even though the business itself was not removed.

In addition, in connection with relocation assistance provided for those displaced by Federal or federally aided programs, particularly our elderly citizens and those of low income who live in rental units, the inequities existing for compensation to these citizens are too numerous to mention. It is not my belief that this legislation will correct everything, but I seek to eliminate the great disparities now existing and I do hope that my colleagues will give every consideration to the problems this legislation seeks to solve.

COMPTROLLER GENERAL CRITICIZES UNNECESSARY COMPENSATION TO WASHINGTON, D.C., AREA BANKS BY THE TREASURY DEPARTMENT FOR CASHING GOVERNMENT CHECKS; RECOMMENDS END TO SUBSIDY

Mr. WELTNER. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. PATMAN] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. PATMAN. Mr. Speaker, the Comptroller General, head of the congressional watchdog General Accounting Office, in a report just out late last week strongly recommends that the Treasury terminate an outdated 1943 agreement to compensate Washington area banks for cashing Government salary checks. This wartime agreement is based on circumstances that changed years ago and is no longer needed. It costs the taxpayers hundreds of thousands of dollars annually.

Furthermore, the agreement is discriminatory in that some banks in the Washington, D.C., area and banks located outside the Washington, D.C., area are not compensated at all under the agreement. I understand, however, that these other banks are maneuvering to be cut in on this dole.

Instead of paying the participating banks directly for each check cashed, the Treasury maintains depositary balances in the banks. On December 31, 1963, these Treasury balances amounted to $12 million that the banks could play around with—either to loan out, to buy the Government's own high-interest-paying bonds, or even to buy municipal bonds which are entirely exempt from Federal income tax.

Twelve million dollars costs the Government about $500,000 per year in interest. If the recipient banks then buy high-grade, tax-free municipal bonds netting 3½ percent, they will earn $420,000 tax free. So there goes approximately $210,000 in income taxes that the Government is also losing.

The sum of $710,000 per year, which amounts to 25 cents per check, in public moneys for a program that should have ended 20 years ago is indefensible. I earnestly hope that the Comptroller General's recommendation is speedily carried out by the Treasury Department.

The Comptroller General's statement is as follows:

WASHINGTON, D.C.,
March 19, 1965.

To the PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES:

Our review of the Treasury Department program for compensating Washington, D.C., area banks for cashing salary checks for Federal employees disclosed that the circumstances under which the program was started in 1943 have changed materially and that compensating the banks for this service no longer appears to be necessary and therefore should be discontinued. Discontinuance of this program would result in annual savings to the Government of about $270,000.

Further, we found that banks were receiving compensation for cashing all types of Government checks, including those of its customers, contrary to the provisions of the agreement which provides that the banks be compensated only for cashing Government salary checks for noncustomers. Some banks in the Washington, D.C., area and banks located outside the Washington, D.C., area are not being compensated by the Treasury for cashing Government salary checks.

We are reporting this matter to the Congress because it discloses an opportunity to

save about $270,000 a year. The report also illustrates the importance of management's reviewing from time to time arrangements which result in the continuing expenditure of public funds in order to identify those that are no longer necessary and can be eliminated.

This program was instituted in 1943 as an inducement to the banks to cash salary checks for Federal employees at no cost, at a time when there was a sharp increase in the number of such employees in the Washington, D.C., area, and large numbers of salary payments were being converted from a cash to a check basis. The 1943 agreement, which provided that banks becoming a party to the agreement would be compensated at the rate of 10 cents for each Government salary check cashed for noncustomers, is basically the same agreement under which the program is presently being operated.

The Treasury Department maintains depositary balances with the banks in amounts sufficient to compensate them for cashing Government checks under this agreement. At December 31, 1963, about $12 million in Government funds were on deposit with the 16 Washington, D.C., area banks participating in the check-cashing program.

Since 1943, there has been a considerable increase in the number of banking and commercial establishments which are available for cashing checks. Many Washington, D.C., area banks not participating in the check-cashing program do not charge for cashing Government checks. We found also that the Treasury Department has refused to compensate banks located outside the Washington, D.C., area for cashing Government checks for individuals on the basis that the cashing of such checks without charge was not a requirement of Federal law and this service was not essential Government business of a type that warranted compensation by the Federal Government.

We brought our findings to the attention of the Treasury Department and proposed that the agreement for compensating Washington, D.C., area banks be terminated. The Fiscal Assistant Secretary of the Treasury replied on December 1, 1964, that the Treasury Department did not agree with all our reasoning on this matter but stated that, if our report contained a recommendation that the check-cashing agreement be discontinued, the Treasury Department would comply therewith. Accordingly, we are recommending that the Secretary of the Treasury terminate the check-cashing agreement and thereby discontinue the practice of compensating certain Washington, D.C., area banks for cashing Government checks. We are recommending also that the Secretary of the Treasury consider arranging for a review of the operations of this program for the purpose of obtaining adjustments, where appropriate, to bring the compensation received by the banks for cashing Government checks more closely in line with the amounts that the banks were entitled to under the provisions of the agreement.

Copies of this report are being sent to the President of the United States and to the Secretary of the Treasury.

JOSEPH CAMPBELL,
Comptroller General of the United States.

EXCISE TAX ON USE OF TELEPHONE

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

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

There was no objection.

Mr. McGRATH. Mr. Speaker, New Jersey's Second District, which I have the honor to represent, is classified as one of the most severely depressed districts in the entire Nation. Despite this, during 1964, residents of my district paid approximately $2.4 million in telephone excise taxes.

This excise tax on the use of the telephone seems discriminatory from several standpoints. In the first place, the taxes were imposed in 1941 and, as a temporary measure to help cover the cost of our participation in the Korean police action, were increased in 1951. These increases were extended in 1954 and have been included in the annual extensions since 1959.

I feel the Congress should abolish these temporary taxes which were imposed long ago for a specific purpose. Previous attempts to secure reform have failed, but something should be done to alleviate this unfair burden. This tax hits hardest at the low-income citizen who must pay the same tax rate as those with greater ability to pay. The 10 percent levy on communications is one of the most unfair of these excise taxes.

Of the approximately $14.7 billion the Federal Government expects to realize from excise taxes during the current fiscal year, telephone and telegraph users will contribute $1 billion. And since the telephone and telegraph companies must also pay Federal taxes and since some of this must be absorbed by users of their services, the American people are suffering double taxation as a result of this excise tax.

Therefore, Mr. Speaker, today I am introducing a bill which would repeal the excise tax on communications, and I urge my colleagues to support this important measure.

TEMPORARY EMPLOYMENT OF STUDENT INTERNS

Mr. WELTNER. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana [Mr. BRADEMAS] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. BRADEMAS. Mr. Speaker, I am today introducing legislation which would allow each Member of the House of Representatives to employ a student intern during the academic vacation period, from June 1 through August 31. The bill does not call for any additional salary authorization but rather permits the temporary summer employment of one additional person over a Member's normal staff limit.

As one who has had summer student interns on his staff in the past, I am convinced of the importance of giving interested young men and women the opportunity to view the legislative process from the close-up perspective of a congressional office. I might add that in my experience summer interns are able to contribute effectively to the functioning of a congressional office.

It is true, of course, that many offices are not staffed to capacity and could hire a summer intern if they wished. It is also true, however, that many offices, which are already fully staffed and would like to have the services of a student intern during the summer months, are unable to accept an intern because of the staff limitation.

My proposal, which parallels one introduced by my distinguished colleague, the Honorable HOWARD ROBISON, of New York, would permit such offices to make use of the services of a student intern while requiring no further appropriation of funds. The intern would be paid out of whatever funds were available from the Member's regular salary allowance.

The success of the student intern programs in the past attests to the desirability of encouraging college and university students to spend a summer working on Capitol Hill. I therefore urge my colleagues to give serious consideration to this proposal.

TRAFFIC IN FIREARMS

Mr. WELTNER. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. FULTON] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. FULTON of Tennessee. Mr. Speaker, day after tragic day and hour after fateful hour somewhere in this Nation someone suffers because of the misuse of a firearm.

Our Washington newspapers and the press reports from home carry, all too frequently, stories initiated because someone had misused a gun.

And yet the trafficking, irresponsible trafficking, in these deadly weapons continues unabated in the United States while the elected officials ignore public sentiment for stricter control of these instruments of crime and destruction.

Crime continues to flourish in this great Nation of laws. The statistics mount every year. Yet every year, despite evidence of wide public support for action by the Congress, we do nothing.

It is estimated by Mr. Carl Bakal, writing in the December 1964 Harper's magazine, that more than 17,000 Americans are firearms victims each year. This figure includes more than half the 8,500 outright murders, at least half the 22,000 annual suicide victims, and about 2,000 accident victims, 25 percent of whom are 14 years of age or younger.

It is estimated that there are about 1,737,000 new firearms entering the civilian market annually in this Nation. Despite two Federal laws designed to control the distribution of these weapons, control is all but impossible. Even in cities and local communities where the need to control firearms is felt and strong firearms laws have been enacted calling for permits and even registration, local authorities are helpless in controlling the influx of weapons from other States or even from another country.

The major and most significant contributor to this lack of control is the absence of legislation to police the distribution of weapons through mail-order gun firms.

On January 31, 1965, the Washington Post carried the tragic story of a young Baltimore youth who upon walking into a local police station, announced that he had just shot and killed his mother, father, and 11-year-old sister. He then handed a .38 caliber foreign revolver and a pocket full of cartridges to the officer on duty. Where did this boy get that gun? From a mail-order gun firm in California. What right does anyone have to sell a weapon to a 15-year-old child?

Not too long ago, on December 29, 1964, three young Tennesseans were picked up and found to be carrying a .45 caliber submachinegun with ammunition, and a .38 caliber pistol. One of these men was 22, one 18, and the third 16. What earthly use does any person of any age in this Nation today have for a submachinegun? Fortunately, these men were picked up before those weapons could be used.

I could go on and on citing instance after instance where firearms in irresponsible hands have led to heartache and tragedy. The Washington Post carries almost daily in its editorial and news columns items pointing to the tragic misuse of firearms. Mr. Alan Barth of the Post's editorial staff is to be commented for his excellent job of awakening the public conscience to this constant menace.

Somewhere in this land today, perhaps this very moment, a life will be taken or a home destroyed because some irresponsible person has gotten hold of a gun and misused it. If the Congress had faced up to its responsibility that person might have been spared.

The bill which I introduced today is designed to drastically curtail the trafficking of firearms into the hands of the irresponsible.

It is not a stringent bill. It in no way interferes with any responsible person's constitutional rights, or anyone's constitutional rights for that matter.

This bill would simply make it illegal to ship firearms interstate to juveniles, persons under indictment or who have been convicted of crimes punishable by imprisonment for a term exceeding 1 year or a person who is a fugitive from justice.

To secure a mail-order firearm, it would be necessary for a person to submit a sworn statement, attested by a notary public, to the effect that such person is 18 years of age or more, that he is not prohibited by the Federal Firearms Act from receiving a firearm in interstate or foreign commerce and that there are no provisions of law, regulations, or ordinances applicable to the locality to which the handgun or firearm will be shipped, which would be violated by such person's receipt or possession of the handgun or firearm.

There is no registration requirement in this bill. Nor is there anything in it to prohibit a parent from giving his child a firearm if he desired. What this legislation is designed to do is to prevent the surreptitious possession of firearms by juveniles and other irresponsible persons.

I realize that this is not as strong a bill as some would like. But it is a reasonable bill. As a law, this would deny no one the right to possess a firearm if he meets the minimal responsibility requirements as outlined.

There is a mounting need in this Nation for control of firearms trafficking. There is sentiment, strong public sentiment, for control. The Congress has been studying this problem for 4 years and its studies affirm the need for control.

There is no reason for further delay. Our duty is before us. The penalty for further delay will be paid in the most priceless commodity in the world—human lives.

ILLUSTRATED CAPITOL MAGAZINE

Mr. WELTNER. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. HAYS] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. HAYS. Mr. Speaker, I have introduced a concurrent resolution to authorize printing as a House document a revised illustrated edition of the magazine-type publication called "The Capitol." This measure is designed to supersede all current proposals to reprint House Document No. 394 of the 87th Congress in order that the newly proposed publication may contain up-to-date information.

It is the purpose of the concurrent resolution to permit each Member of the House to receive 1,000 copies of this magazine for such distribution as they wish to make.

OMNIBUS CRIME BILL FOR DISTRICT OF COLUMBIA

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

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

There was no objection.

Mr. HUOT. Mr. Speaker, the House is being asked to consider H.R. 5688, the omnibus crime bill for the District of Columbia. It is, I believe, ill-timed, ill-considered legislation. A brief history of this bill should demonstrate why it should not pass.

This bill is a rehash of a series of crime bills which have been before this House in recent years. In the 88th Congress, H.R. 7525, the predecessor to H.R. 946 passed the House and went on to the Senate. The Senate District Committee almost totally rejected the bill. It made wholesale revisions to it. For example: The Senate committee rejected title I as being unable to withstand constitutional attack since it failed to provide adequate safeguards to protect accused individuals from improper interrogation and detention. There are many other examples where the Senate committee rejected totally or accepted only after major revision, the House version. And yet, the House District Committee has chosen to ignore the Senate version. I do not urge for one minute that the House must accede completely to the opinions of the Senate committee. I do, however, strongly urge that when the two Houses entertain such divergent points of view this House should at least examine those areas of conflict. It is certainly not asking too much to ask that the House District Committee hold full and adequate hearings to determine the value of the Senate version. But no, we are going to be asked to consider a bill of vital importance to the residents of the District of Columbia without the benefit of any hearings at all.

Furthermore, serious attacks have been made upon the constitutionality of many of this bill's provisions by such responsible groups as the Justice Department, the District Commissioners, the Council on Law Enforcement, and the bar association. Yet the District committee has chosen not to accept the counsel of these distinguished groups and has chosen to again report out this bill containing the very sections against which these groups cautioned.

I believe it is of utmost importance that this bill totally disregards the President's message to Congress of February 15, 1965, in which he calls for "a fair and effective system of law enforcement" and "imaginative improvements in the entire legal and social structure of our criminal law and its administration." Furthermore, it takes no account of the President's simultaneous statement that he will "establish a commission which will concern itself specifically with crime and law enforcement in the District."

It is my understanding that recent experience has shown that many District bills pass the House by default. It is often difficult to muster sufficient interest to get Members to the floor for a measure which ostensibly has no effect upon them in their home districts. This is not true of the District crime bill. Other jurisdictions will look on. They will see the Congress passing harsh, oppressive legislation. They will be tempted to consider it for themselves. Criminal procedure must keep pace with modern psychology and criminology. Constitutional guarantees must be fortified, not weakened.

HALT THE CRIPPLING EFFECTS OF INFLATION

The SPEAKER. Under previous order of the House, the gentleman from Illinois [Mr. DERWINSKI] is recognized for 15 minutes.

Mr. DERWINSKI. Mr. Speaker, our attention has naturally been riveted to the current problems in foreign affairs: Vietnam, Cyprus, Congo, Malaysia, and other unresolved world trouble spots.

On the domestic front the series of events in Selma, Ala., have naturally been

under very close scrutiny by most of our citizens.

During the past week the Chicago Tribune has attempted to direct the attention of its readers to the dangers of inflation. Specifically, these articles present historical evidence as to the manner in which inflation depreciates our money and erodes the savings, pensions, and insurance of individuals.

In order to emphasize the tragic consequences of inflation vividly seen in economic history, the Tribune produced five articles which I place in the RECORD at this point as an extension of my remarks.

[From the Chicago (Ill.) Tribune, Mar. 14, 1965]

REMINDERS OF INFLATION—I: FRANCE, 1790–96

It is easy to forget the perils of inflation when things seem to be going smoothly and when the Government keeps assuring us there is nothing to worry about.

But the mounting alarm of economists and bankers (even Chairman Martin of the Federal Reserve Board fears we are on the brink of a new inflation) should alert us to the havoc that inflation can cause—and has caused in one country after another. We musn't become so anesthetized by the promises of a Government-financed utopia as to forget that other countries have tumbled over the brink in pursuit of the same enticing goal. And the Government's mechanical assurances should remind us of similar assurances which have been given so often before, and have proved false.

They should remind us that in 1790, on the eve of the great classic example of inflation, members of the revolutionary French National Assembly welcomed the proposal to restore prosperity by issuing paper money, called "assignats," backed by the land which had been seized from the church. It was hailed as "the only means to insure happiness, glory, and liberty to the French nation."

"We are told," the respected nobleman, Mirabeau, informed the assembly, "that paper money will become superabundant. Of what paper do you speak? If of a paper without a solid base, undoubtedly; if of one based on the firm foundation of landed property, never."

Of course Mirabeau knew better; barely a year earlier he had denounced paper money as "a nursery of tyranny, corruption, and delusion." But France faced a financial crisis, and in time of crisis even intelligent men sometimes grasp for the most convenient straws.

The tragedy of the assignats is well known. At first, the issue was limited to 400 million livres, and was used to pay pressing government obligations. The assignats could be used to buy the church land, in which event they were to be retired from circulation, or they could continue in circulation as long as land was available as security.

But as the land was sold, the Government failed to destroy the money. It spent it over again; and as still more money was needed to prepare for war and to keep the people content, it printed new assignats.

Prices rose daily. When Queen Marie Antoinette was told the people couldn't afford bread, she is said to have suggested they eat cake. Instead of pacifying the people, the outpouring of assignats angered them. Moderate leaders were replaced by radicals; the royal family was guillotined, and the assignats were pumped out faster than ever. Soon the peasants refused to accept paper money, complaining it couldn't be used even to feed the horses. A loaf of bread cost 45 livres, or what had been almost a year's wages. By 1796, it took 12,000 paper livres to buy the gold louis, a coin which had once been the equivalent of 1 livre. Only half of the former church lands remained as security for the assignats, but their volume had climbed to 45½ billion livres.

In the fall of 1795, citizens of Paris rebelled and a 26-year-old artillery officer named Napoleon Bonaparte subdued them with "a whiff of grapeshot."

The assignats were abandoned in 1796, but the economy remained in disarray and 4 years later the Directory was dismissed by the same Napoleon, who established a new money system and in 1800 turned the responsibility for paper money over to the new and autonomous Bank of France.

The bank remained independent until the end of 1945, when a socialistic government took it over and plunged the country into financial chaos once again.

[From the Chicago (Ill.) Tribune, Mar. 15, 1965]

REMINDERS OF INFLATION—II: GERMANY, 1922–23

A Swedish traveler walked into the largest bank in Wurtemberg, Germany, in 1923 and asked to change 100 Swedish kroner into marks. The cashier apologized that the bank had only 20 million marks on hand and could, therefore, make change for only eight kroner. Germans waiting in line behind the Swede begged him not to take all the bank's money. The mark was losing value so fast, they said, that if they couldn't cash their pay checks and spend the money immediately, it would buy only half as much food the next day. The Swede took change for two kroner (52 cents in our money) and left.

This is just one of countless published stories about the most extreme case of inflation in history. Although the German government was only partly to blame for the chaos, the experiences shows how runaway inflation can wipe out the savings of half the citizenry and can create the conditions in which a Hitler could thrive.

Financially, Germany was not much worse off at the end of World War I than its neighbors. The Reichsbank had suspended payments in gold so as to enable the government to expand the supply of paper money and pay for the war. By 1919, the mark was down to about 12 cents, half its prewar value—but the same was true of the franc and other currencies.

It was the Allies who set the stage for the collapse of the mark by imposing limits on German industry in 1919, and in 1921 by handing Germany an impossible reparations bill (for 132 billion gold marks) and giving half of the Upper Silesian industrial area to Poland.

With Germany in this straitjacket, pessimists there and abroad began to get rid of their marks, and by November 1921, the foreign exchange value of the mark was down to one-third of a cent. But as yet there was little inflation of the money supply within Germany, and the storm of pessimism might have been weathered if the German Government had been willing and able to balance its budget and thus avoid putting any more marks into circulation. This it failed to do, partly because it was an inexperienced, left-wing regime without the will to hold down spending, and partly because a vindictive France refused to grant a moratorium on the reparations, even though Britain and Italy were willing.

Any hope that was left for the mark in late 1922 was dashed in January 1923, when French troops moved into the Ruhr industrial area and set up what Premier Poincare called a "mission of control" to squeeze the reparations money out of Germany industry.

The Germans replied with passive resistance. They closed the factories, and the Berlin government ground out billions of new marks, largely to support the resistance. As prices went up, the billions became quadrillions. Two thousand printing presses enlisted by the Reichsbank could not keep up with the demand for money. In the nine months following the occupation of the Ruhr, the mark fell from 20,000 to 4.2 trillion to the dollar. In November there were more than 518 quintillion marks in circulation.

Houswives lucky enough to get money had to carry it in satchels. An egg which had cost a quarter of a mark in 1918 cost 5,000 marks in the summer of 1923 and 80 billion in November. Very few people would lend money, even at the going rate of 20 percent a day—though the Reichsbank continued to accept I O U's from government and industry at a mere 90 percent a year and print paper money for them in return.

In early 1923, Berlin railroad workers went on strike for an increase in their weekly 2½ million mark wages. After 3 days they settled for 9 million a week. And by the end of the first week the 9 million wouldn't buy as much as the 2½ million had bought when they went on strike. Shops would close at intervals during the day in order that new prices could be posted. Street car fares went up daily.

Hughston McBain, the Chicago merchant, happened to be in Berlin in the fall of 1922 and wrote of being able to treat his German friends to luxuries which they couldn't dream of buying for themselves for only a few cents in American money.

In November 1923, the nightmare came to an end with the issuance of new "rentenmarks," one for each trillion inflation marks. The rentenmark was backed in theory by the land of the country and was thus no sounder in principle than the old French assignats; it worked only because the Government refused to increase the supply and because the people knew that it had to work.

But it was too late to save the middle class—the townspeople living on fixed incomes from salaries, pensions, interests, or rent. Until late in 1923, courts enforced the right of debtors to pay off their debts in the worthless marks. People who once had lived comfortably on the income from bonds or mortgages found themselves paid off in full for less than the cost of a cup of coffee. They were reduced to selling their furniture and clothing in order to buy food to live, and many chose suicide instead.

Those who survived were glad to listen to the promises of the National Socialists, who were busy in Berlin as early as 1919. And thus the inflation resulting from one war created conditions which helped to bring about the next.

[From the Chicago (Ill.) Tribune, Mar. 16, 1965]

REMINDERS OF INFLATION—III: ITALY AND POLAND

Like nearly all modern wars, World War II ushered in a period of inflation which, in many places, is still going on. But it would be misleading to say that war creates inflation. War creates conditions in which inflation thrives—an abundance of money and a shortage of consumer goods—but this doesn't make inflation inevitable.

It is significant, for example, that the two countries which were hardest hit by inflation after World War I—Germany and Russia—were among the least affected after World War II even though their physical destruction had been greater than in the first war.

They had learned their lesson the hard way. When a team of American economists handed Germany an inflationary prescription shortly after the end of the war, the Germans filed it away and proceeded in the opposite direction—with conspicuous success. Previously, in 1948, the Germans had countered the threat of inflation by reforming the currency and issuing only enough new Deutsche marks to conform to the supply of goods available. The effect of this was to hold prices steady and force people to work

and produce more if they wanted to buy more.

Where inflation did occur, as in Italy, Poland, and France, it was not so much because of the war as because of the policies of socialistic postwar governments which made the familiar mistake of assuming that more government controls and more spending would mean more prosperity.

Italy had experienced some inflation after World War I (enough, in fact, to help make a success of Mussolini's march on Rome in 1922); but when things settled down, prices leveled off at from four to seven times what they had been in 1914 and a disaster like Germany's was averted.

Therefore when Italy turned to the Socialists again after Mussolini's downfall, the people were eager to believe the promises of socialism and to overlook what had happened 20 years before in Germany—if indeed they knew of it. The Government embarked on a program of nationalization and welfarism which has kept it in the red almost constantly ever since. The best that can be said of today's deficits is that they are not as bad as in 1949, when the Government spent almost twice what it took in.

An inflated wartime money supply was further inflated by Government programs designed to help those who were not working and by an endless succession of pay raises for the burgeoning army of Government payrollers who weren't producing anything of value. Prices inevitably soared; by 1949 the lira would buy barely one-fiftieth of what it would buy in 1938. It dropped from 20 to the dollar to 640. And as prices rose, a familiar reaction set in; people demanded higher pay and more handouts instead of greater production. Industrial workers were more interested in striking than in working. The incentive to work which Germany had created was missing.

As prices went up, it was possible in one case for a man to embezzle 5 million lire from his employer, get caught, repay the money plus a sizable fine, and still come out ahead. He was a prudent thief. He had used the loot to invest in property and on being caught he sold it for double what he had paid for it.

But most people were much less fortunate, especially the landlords. While their costs doubled and redoubled, their rental income was frozen. Tenants of large and luxurious apartments would stay on and on, long after their children had married and moved away, because as long as they remained, their rent was trivial; if they moved to a smaller apartment without a rent ceiling, they would have paid four or five times as much. Thus the housing shortage was aggravated.

Pensioners and others with fixed incomes added to the pressure for Government handouts, thus increasing the money supply by another round and adding nothing to the supply of purchasable goods. Marshall plan aid helped, to the extent that it went into production; but the extravagances and the deficits continue, and Italian prices are still rising.

Behind the Iron Curtain socialism produced the same results. Glorious things were promised by the Communists when they took over the Polish Government and, in 1948, tied the zloty to the Russian ruble instead of the dollar. But efforts to communize the farms soon boomeranged; food production plummeted and prices rose until in 1957 Poland found it was unable to obtain any more Western money except by admitting that the zloty had declined in value from 25 cents to 4 cents, and offering it to the West at that price.

It may still be asked how Russia, the champion Socialist state of all, managed to avoid so common a pitfall of socialism. Thomas Wilson, a British economist, gives the answer in his recent book, "Inflation." Russian workers can't strike for higher pay, they can't quit their jobs, Russian voters can't force the Government to give them handouts, and the Russian people, lacking a free press, were so ignorant that they didn't even know what was bad for them. The Russian Government, fearing inflation, manipulated the money system so as to avoid it. Russia succeeded, but it's method will hardly appeal to free men.

[From the Chicago (Ill.) Tribune, Mar. 17, 1965]

REMINDERS OF INFLATION—IV: POSTWAR FRANCE

When Napoleon Bonaparte entrusted the French money system to the new and independent Bank of France in 1800 after the collapse of the revolutionary assignats, he declared that he would never allow France to be defrauded again by irredeemable paper money.

But a lesson learned, no matter how painful the experience, rarely seems to last more than a lifetime. Later generations have to relearn it for themselves. And one of the first things the Socialists under Leon Blum did in December 1945, when they dominated the provisional De Gaulle government, was to nationalize the Bank of France and thus, in effect, put the money supply in the hands of the politicians. De Gaulle resigned the following month, and Blum soon became Premier.

Instead of limiting the money supply and encouraging production, as Germany was to do in 1948, the French Socialists interfered with production by taking over or threatening to take over large segments of industry, and they pumped up the money supply by a succession of vast government deficits. Deliberate deficits caused by socialistic welfare spending were augmented by emergency deficits caused by the fighting in Indochina and later in Algeria. The military spending was budgeted separately, as if a deficit caused by emergency military spending was, somehow, different from one caused by welfare programs. But unfortunately inflation doesn't know one from the other.

As deficit after deficit was financed by "printing press" money, the volume of currency in circulation climbed from 500 billion francs in 1945 to 868 billion in 1947, 1,886 billion in 1952, and 3,500 billion in 1957, when a degree of stability was finally restored.

The bank had long since stopped redeeming money in gold. The franc, which emerged from the war at about half of its prewar value, or 2 cents, fell to less than 1 cent by the end of 1945. Successive governments tried to forestall nature by all sorts of regulations and controls, but in vain. For every regulation there was a bribe, and for every control a loophole. It was as impossible to legislate a stable franc in the 1940's and 1950's as it had been in the 1790's, when it was made a capital offense to dispose of a paper assignat at less than face value. One after another, a procession of governments promised to stabilize the franc, and one after another they refused to follow through with the economy and discipline which were necessary to do the job.

The black market value of the franc fell to 480 to the dollar in 1952. Prices in 1946 were 5 times those in 1938; in 1949 they were 15 times as high and in 1953, 20 times as high.

Production, already handicapped by Government controls, was further stalled by strikes; and the successive Government crises made it impossible to know what the Government was going to do from month to month. There were occasional and unrealistic proposals to levy a confiscatory tax on business or the wealthy, but most of them came to nothing. The property owners protected themselves by buying gold, when they could get it, and by buying foreign land and securities.

Marshall plan aid is credited with helping to revive French industry, and no doubt it did. But the amount received through the Marshall plan—about $5 billion—was only half the amount which would have been available right in France if inflation and an irresponsible Government hadn't driven it into hiding. Jacques Rueff, the economist, reported to General de Gaulle in 1958 that the French people had stashed away about $10 billion.

With almost no gold available to back paper money or to guarantee loans, it was difficult for the Government or anybody else to borrow money. Antoine Pinay overcame this problem in 1952, as finance minister, by issuing rubber bonds, repayable not in the number of francs borrowed, but in the number which would buy the same amount of gold if gold could be bought. This worked until lenders realized the official value of the franc in relation to gold was arbitrary and fictitious and set to favor the borrowers, including the Government.

So they insisted that the amount of repayment be determined by more realistic measures such as the price of wheat, electricity, or cement. Similar escalator clauses were built into wage contracts. Farm leases were stated in terms of butter or milk. And a country doctor's fee for an office call might be the current price of a chicken.

As is always true of inflation, it was the pensioners, small property owners, and middle class townspeople who suffered the most. A typical example is the Frenchman who retired in the late 1930's as regional manager for a Chicago firm. When he retired, he had a comfortable income from insurance, pension, and interest on a savings account. Today his life savings barely yield enough, as he puts it, for two good meals at Maxime's.

"I was taken in," he confesses, "by the representations of the Government that the franc would always be good."

And having been deluded by the Government, he finds himself now largely dependent on it.

[From the Chicago (Ill.) Tribune, Mar. 18, 1965]

REMINDERS OF INFLATION—V: BRAZIL

Germany, Russia, France, and Italy have demonstrated how a socialistic or irresponsible government can plunge a country into ruinous inflation with the help of war. Brazil, for one, has shown us how such a government can do just as thorough a job without any help at all.

Brazil has been in financial trouble more or less chronically since the overthrow of the empire in 1889. A succession of inexperienced and visionary governments created such chaos that for years they had to keep one set of books in terms of the gold milreis and another in terms of the paper milreis, which was worth a great deal less.

But in the late 1920's a certain amount of order was restored and the milreis leveled off at 5 or 6 cents in our money. World War II had little effect on it, although the name was changed to cruzeiro in order to distinguish it from the former Portuguese coin.

Brazil's previous financial difficulties have been dwarfed in the last decade or so, and the trouble began as a result of conditions which should sound very familiar to Americans today: a foreign exchange deficit and persistent demands for increased domestic spending.

The foreign exchange trouble came about, ironically, because of the high price of coffee in the years immediately following 1950. American housewives refused to buy

Brazilian coffee, and Brazil's dollar income fell off sharply. Meanwhile, many Brazilians, and especially the increasingly powerful Socialists, were clamoring for wage increases, expansion of government activity, and the development by the government of new industries, especially oil. The problem was how to spend money that didn't exist, and even before the Socialists came to power in 1956, the government had invented an intricate sort of shell game by which it could feed IOU's into one door of the government-owned Bank of Brazil and receive brandnew paper money out of another door, while at the same time pretending that it wasn't creating new money at all.

The people may not have known what was going on inside the bank, but they could hardly escape noticing that the supply of money in circulation grew from 50 billion cruzeiros in 1948 to 185 billion in 1955. In the latter year, prices rose 40 percent. And the Socialists persuaded the people that the only way to handle rising prices was to see that wages went up even faster.

The government of Dr. Juscelino Kubitschek, elected in 1955, was dominated by leftwingers, especially "Jango" Goulart, the spokesman of the labor unions.

The campaign promise of "50 years of progress in 5 years" was soon forgotten as wages and prices spiraled upward. The government pleaded for—and received—aid from the United States to help it stabilize its money.

More than $1 billion in American aid has been used instead to feed the inflation.

Instead of being stabilized, the cruzeiro slipped down and down. From 20 to the dollar, it fell to 70 in 1957, 170 in 1958, 360 in early 1962, 1,000 in early 1963, and 1,600 last April.

Commercial interest rates rose to 30 percent but still found few lenders—except for the puppet Bank of Brazil, which continued to lend money at 12 percent to industrialists on the theory that they would enlarge their plants; instead, they poured the money into current inventory in order to make a quick profit. As always happens in such situations, nobody was interested in saving money. The smarter the operator, the quicker he spent it—often abroad.

Unable to cope with the economic problems, Dr. Kubitschek sought to immortalize himself by squandering fantastic sums on a new capital city called Brasilia—which is still unfinished.

The end of Kubitschek's term brought a year of political turmoil approaching civil war, and the end of 1961 found the Socialist Goulart in the presidency. Urgent pleas for restraint from the United States were greeted by assertions that Brazil wasn't going to be forced into "the cold bath" of fiscal austerity. Prices rose 52 percent in 1962 and doubled in 1963. Private investment from the United States, already discouraged by fear of nationalization, slowed to a trickle. Meanwhile, the Bank of Brazil ran out of gold and suspended payments abroad.

In April 1964, Goulart was deposed by a military revolt, and a new government was installed which has managed so far—by drastic economies—to hold the cruzeiro steady at about 1,750 to the dollar. It will be years, however, before the average Brazilian, who was protected neither by the labor unions nor the government, can recover from the effects of inflation. Unlike the average Frenchman or Italian, he cannot fall back on a vast social security system whose benefits can be counted on to escalate with prices.

Brazil's story could be applied to Argentina by making a few changes, such as substituting "Eva Peron" for "Jango Goulart." It has been argued that the Latin American troubles stem from dependence on a one-crop [or one-mineral, as in Chile] economy, with undependable prices. Like war, they undoubtedly contribute to the problem. But other Latin American countries like El Salvador have managed to get along with relatively little inflation. And one country which is beginning to worry about inflation in Sweden, which has a well diversified economy and a long history of peace. But it does have an unbalanced budget brought about largely by welfare expenses. In short, there are many conditions which can play into the hands of inflation; but it has never conquered a country without the collaboration of an extravagant government.

Mr. Speaker, these five articles if thoroughly read would result in Americans being effectively alerted to the danger of inflation. An alert public would also recognize the unfortunate role of Government policies in the inflationary programs that work against the welfare of all people.

The Chicago Tribune then climaxed this series of timely, thoughtful, penetrating articles with an editorial reviewing the tremendous damage suffered from inflation. That editorial of Friday, March 19, I insert in the RECORD at this point as part of my remarks:

[From the Chicago (Ill.) Tribune, Mar. 19, 1965]

INFLATION CAN HAPPEN HERE

For the last 5 days we have printed on page 1 a series of editorials reminding our readers of the damage that inflation can do and has done in one country after another when it is allowed to go unchecked.

Two questions must occur to almost everyone who read the editorials: Can such a thing happen in the United States? And if so, what can we do to prevent it?

Not only is runaway inflation possible here, but under existing policies it is a distinct danger, as the Republican minority members of the Joint Economic Committee of Congress warned just Wednesday. Even the Democratic majority report conceded vaguely that there are "hazards" in the economy, and one courageous Democrat, Senator PROXMIRE, of Wisconsin, went so far as to echo the Republican warning.

If the spending plans called for in the majority report take hold, he said, "we may kiss goodby to balanced budgets in our lifetime and say a big hello to national debts of astounding proportions and to a steady and increasing inflation."

Yet every day some Pollyanna tells us not to worry about inflation and says that conditions here are not conducive to it and that the dollar is basically as good as gold.

Don't let them fool you. It is quite true that war and other dislocations beyond a government's control can feed and aggravate inflation; but for almost every such alleged example, it is possible to find a country which resisted inflation. There is only one indispensable ingredient in the recipe for inflation, as our editorials have demonstrated, and that is a cooperative government.

Every government under which inflation has run wild has been lacking in wisdom or self-discipline or both. It has allowed deficits to pile up. It has made extravagant promises to the more gullible voters and has tried to fulfill them by pumping flat money into circulation. It has talked up the advantages of "managed money." It has belittled the signs of danger.

It has been forced, step by step, to impose rules and controls in a vain effort to protect its flat money. It has explained to the people that they may no longer buy gold—and the same may become true here of silver—because of the "rising price" or the "shortage" of these metals. Yet these are largely ways of trying to hide the fact that the money has declined in value.

Our Government has fallen into all of these dangerous habits, and in 30 years our money has lost more than half of its value. A mild inflation compared with those we have described, perhaps, but there is no invisible barrier which prevents * * * are nothing but refined versions of the law of the French Directory making it a capital offense to dispose of paper money at less than face value. They are aimed at the symptoms of the ailment, not the cause.

The cause will remain until the administration or the Congress finds the courage to determine what this country can afford in the way of international and domestic beneficences and what it cannot. It will last until the administration stops calling every program a "necessity." Necessity and self-preservation have always been offered as the excuses for unwise extravagances, but neither necessity nor self-preservation is much of an excuse for suicide.

The way to fight poverty is not to court a disaster which could wipe out the savings of half the country. The way to improve education is not to weaken the monetary system which offers primary reward, in our society, for a good education. The way to create respect for the United States abroad is not to act the part of a foolish spendthrift.

So far we have been spared the worst effects of inflation, except for a brief period of disorganization after the Revolution and the greenback experience following the Civil War. But we have had a trotting inflation ever since World War II, and every Member of Congress owes it to himself and his constituents to keep it from running away. This is a continuing obligation which applies not to any particular bill but to the whole platoon of spending projects which the Great Society has ushered in like a Trojan horse.

If Congress hasn't the spine to make the decisions which the administration is unwilling to make and to get the budget under control, the outlook is gloomy indeed.

Mr. Speaker, I take this special order this afternoon to remind my colleagues in the House of Representatives that they as elected representatives of the public must protect the integrity of the dollar in various forms of private investment by rejecting programs that produce a tragic spiral of inflation.

It is my hope, Mr. Speaker, that the executive branch officials will recognize the long-term troublesome consequences of their glamorous spending programs and will reappraise Government programs in order to halt the crippling effects of inflation we see arising and threatening the stability of the U.S. dollar.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. JOHNSON of Oklahoma (at the request of Mr. ALBERT), for today and tomorrow, on account of official business.

Mr. HANLEY, for today, on account of official business attending inspection of facilities in Philadelphia for Veterans' Affairs Committee.

Mr. HAMILTON, for March 23, 1965, on account of official business.

Mr. CONABLE, for March 23, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. PUCINSKI, for 1 hour, on Thursday, March 25, to pay tribute to the 144th anniversary of Greek independence.

Mr. DERWINSKI (at the request of Mr. CLEVELAND), for 15 minutes, today; to revise and extend his remarks and to include extraneous matter.

Mr. MORSE (at the request of Mr. CLEVELAND), for 30 minutes, on March 24; to revise and extend his remarks and to include extraneous matter.

EXTENSION OF REMARKS

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

Mr. MULTER to revise and extend his remarks on the District of Columbia crime bill today and include extraneous matter.

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

Mr. CHAMBERLAIN.

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

Mr. LOVE.
Mr. CORMAN.
Mr. MCGRATH.
Mr. DYAL.
Mr. CALLAN.
Mr. GRIDER.
Mr. TEAGUE of Texas.
Mr. FISHER.
Mr. EVINS of Tennessee.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 4 o'clock and 26 minutes p.m.) the House adjourned until tomorrow, Tuesday, March 23, 1965, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

768. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation entitled, "A bill to repeal certain acts relating to containers for fruits and vegetables, exportation of tobacco plants and seed, naval stores and wool, and for other purposes"; to the Committee on Agriculture.

769. A letter from the Director, Office of Emergency Planning, Executive Office of the President, transmitting a copy of the semiannual statistical supplement, Stockpile Report to the Congress, for period ended December 31, 1964, pursuant to section 4 of Public Law 79–520; to the Committee on Armed Services.

770. A letter from the Director, Office of Emergency Planning, Executive Office of the President, transmitting a semiannual report on Borrowing Authority for period ended December 31, 1964, pursuant to section 304(b) of the Defense Production Act of 1950, as amended; to the Committee on Banking and Currency.

771. A letter from the Chairman, Board of Governors, Federal Reserve System, transmitting a copy of the 51st Annual Report of the Board of Governors of the Federal Reserve System, covering operations for the year 1964, pursuant to section 10 of the Federal Reserve System; to the Committee on Banking and Currency.

772. A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation entitled, "A bill to authorize the Commissioners of the District of Columbia to return released prisoners to their residences or to such other places within the United States as may be authorized by the Director of the Department of Corrections"; to the Committee on the District of Columbia.

773. A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation entitled "A bill to establish in the Treasury of the United States a permanent working fund for District of Columbia public building construction services, and for other purposes"; to the Committee on the District of Columbia.

774. A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation entitled, "A bill to extend the penalty for assault on a police officer in the District of Columbia to assaults on employees of penal and correctional institutions and places of confinement of juveniles of the District of Columbia"; to the Committee on the District of Columbia.

775. A letter from Anna V. Hausman, District of Columbia Representative, Ladies of the Grand Army of the Republic, transmitting the annual report of the Ladies of the Grand Army of the Republic, pursuant to Public Law 86–47 (73 Stat. 76.); to the Committee on the District of Columbia.

776. A letter from the Comptroller General of the United States, transmitting a report relative to usage of funds in construction of a depot in a foreign country under the military assistance program, Department of Defense; to the Committee on Government Operations.

777. A letter from the Comptroller General of the United States, transmitting a report on unnecessary dollar costs incurred in financing purchases of commodities produced in Brazil; Agency for International Development, Department of State; to the Committee on Government Operations.

778. A letter from the Comptroller General of the United States, transmitting a report on unnecessary compensation to Washington, D.C., area banks for cashing Government checks; Treasury Department; to the Committee on Government Operations.

779. A letter from the Comptroller General of the United States, transmitting a report on unnecessary costs incurred in the noncompetitive procurement of traveling wave electron tubes; Department of the Navy; to the Committee on Government Operations.

780. A letter from the Comptroller General of the United States, transmitting a report on unnecessary costs resulting from an inflexible policy of donating flour instead of wheat to voluntary relief agencies for distribution abroad under the Agricultural Act of 1949, as amended; Department of Agriculture, Agency for International Development; to the Committee on Government Operations.

781. A letter from the Comptroller General of the United States, transmitting a report on loss in revenues to the Government resulting from undercharges for rents and utilities to employees occupying Government-owned quarters; Department of the Interior; to the Committee on Government Operations.

782. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation entitled, "A bill to amend 18 U.S.C. 1114, relating to assaults and homicides, and for other purposes"; to the Committee on the Judiciary.

783. A letter from the Secretary of Interior, transmitting a report of a claim of the Continental Oil Co. for refunds of excess oil royalties (barging costs) paid on leases OCS–0593, –0594, and –0613, pursuant to section 10 of 43 U.S.C. 1339(b); to the Committee on the Judiciary.

784. A letter from the Comptroller General of the United States, transmitting a report on unnecessary interest costs incurred by the Government because of excess progress payments to contractors; Post Office Department; to the Committee on Government Operations.

785. A letter from the Comptroller General of the United States, transmitting a report on unnecessary transportation expenditures for privately owned vehicles transshipped between U.S. ports; Department of Defense; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 70. A bill to provide for the conveyance of approximately 80 acres of land to the heirs of Adam Jones, Creek Indian not enrolled; without amendment (Rept. No. 190). Referred to the Committee of the Whole House.

Mr. RIVERS of Alaska: Committee on Interior and Insular Affairs. H.R. 2176. A bill to authorize the Secretary of the Interior to convey certain property to the county of Dare, State of North Carolina, and for other purposes; without amendment (Rept. No. 191). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 4778. A bill to increase the amounts authorized for Indian adult vocational education; without amendment (Rept. No. 192). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAWSON: Committee on Government Operations. Fifth report on Death Valley National Monument; without amendment (Rept. No. 193). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAWSON: Committee on Government Operations. Sixth report on coin shortage (pt. 1); without amendment (Rept. No. 194). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAWSON: Committee on Government Operations. Seventh report on coin shortage (pt. 2); without amendment (Rept. No. 195). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAWSON: Committee on Government Operations. Eighth report on the operations of Billie Sol Estes; without amendment (Rept. No. 196), Referred to the Committee of the Whole House on the State of the Union.

Mr. DAWSON: Committee on Government Operations. Ninth Report on satellite information from the National Aeronautics and Space Administration; without amendment (Rept. No. 197). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAWSON: Committee on Government Operations. Tenth report on the use of polygraphs as "lie detectors" by the Federal Government; without amendment (Rept. No. 198). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAWSON: Committee on Government Operations. Eleventh report on U.S.-owned foreign currencies; without amendment (Rept. No. 199). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADAMS:

H.R. 6539. A bill to enforce the 15th amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. ARENDS:

H.R. 6540. A bill to strengthen market prices of wheat, corn, oats, rye, barley, grain sorghum, soybeans, and flaxseed by prohibiting the Commodity Credit Corporation from making domestic sales of such commodities at prices less than 125 percent of current support prices plus reasonable carrying charges; to the Committee on Agriculture.

By Mr. BERRY:

H.R. 6541. A bill to amend the Federal Property and Administrative Services Act of 1949, as amended, to promote the welfare of the Indian tribes by making available to them surplus personal property; to the Committee on Government Operations.

H.R. 6542. A bill to establish in the Department of the Interior a Gold Procurement and Sales Agency, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BRADEMAS:

H.R. 6543. A bill to authorize each Member of the House of Representatives to employ annually, on a temporary basis, a student congressional intern; to the Committee on House Administration.

By Mr. CALLAN:

H.R. 6544. A bill to amend the Civil Service Retirement Act to provide for the adjustment of inequities and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DOW:

H.R. 6545. A bill to amend the Internal Revenue Code of 1954 to allow the same depletion rate and cutoff point for certain clay as are allowed for calcium carbonates and limestone used in making cement; to the Committee on Ways and Means.

By Mr. FINO:

H.R. 6546. A bill to amend the Social Security Act and the Internal Revenue Code of 1954 to provide that a fully insured individual may elect to have any employment or self-employment performed by him after attaining age 65 excluded (for both tax and benefit purposes) from coverage under the old-age, survivors, and disability insurance system; to the Committee on Ways and Means.

By Mr. HALL:

H.R. 6547. A bill to strengthen and improve the educational opportunities of educationally deprived children, and to provide additional revenue sources for States, school districts, and educational institutions by means of tax credits and payments to individuals who must meet the costs of education; to the Committee on Ways and Means.

By Mr. KLUCZYNSKI:

H.R. 6548. A bill to approve the estimate of cost of completing, and to revise the authorization of appropriation for, the Interstate System; to the Committee on Public Works.

By Mr. McEWEN:

H.R. 6549. A bill to extend by 1 year the period for filing applications for certain death insurance benefits under the National Service Life Insurance Act of 1940; to the Committee on Veterans' Affairs.

By Mr. MATTHEWS:

H.R. 6550. A bill to strengthen intergovernmental relations by improving cooperation and the coordination of federally aided activities between the Federal, State, and local levels of government, and for other purposes; to the Committee on Government Operations.

By Mr. MORRISON:

H.R. 6551. A bill to correct certain inequities and provide certain benefits with respect to officers and members of the crews of vessels under the Federal Government in accordance with prevailing rates and related personnel practices in the maritime industry; to the Committee on Post Office and Civil Service.

H.R. 6552. A bill to establish certain requirements with respect to the employment of barbers and beauticians in or under the executive branch of the Federal Government; to the Committee on Post Office and Civil Service.

By Mr. RACE:

H.R. 6553. A bill to amend title 37, United States Code, to increase the rates of basic pay for members of the uniformed services; to the Committee on Armed Services.

By Mr. SICKLES:

H.R. 6554. A bill to amend section 33 of the Federal Employees' Compensation Act so as to provide for the establishment of a Federal employee accident prevention program; to the Committee on Education and Labor.

H.R. 6555. A bill to provide for the establishment of the National Foundation on the Arts and the Humanities to promote progress and scholarship in the humanities and the arts in the United States, and for other purposes; to the Committee on Education and Labor.

H.R. 6556. A bill to enforce the 15th amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. TEAGUE of Texas (by request):

H.R. 6557. A bill to amend title 38 of the United States Code to make certain veterans eligible for a pension on attaining age 65; to the Committee on Veterans' Affairs.

By Mr. ANDERSON of Tennessee:

H.R. 6558. A bill to repeal the excise tax on amounts paid for communication services or facilities; to the Committee on Ways and Means.

By Mr. BINGHAM:

H.R. 6559. A bill to provide for equitable acquisition practices, fair compensation, and effective relocation assistance in real property acquisitions for Federal and federally assisted programs, and for other purposes; to the Committee on Public Works.

By Mr. FULTON of Pennsylvania:

H.R. 6560. A bill to amend title 39, United States Code, with respect to advancement by step increases of certain postal field service employees; to the Committee on Post Office and Civil Service.

By Mr. FULTON of Tennessee:

H.R. 6561. A bill to amend the Federal Firearms Act; to the Committee on Ways and Means.

By Mr. GALLAGHER:

H.R. 6562. A bill to enforce the 15th amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. HARVEY of Michigan:

H.R. 6563. A bill to amend the Civil Service Retirement Act, as amended, to provide for the recomputation of annuities of certain retired employees who elected reduced annuities at the time of retirement in order to provide survivor annuities for their spouses, and for the recomputation of survivor annuities for the surviving spouses of certain former employees who died in service or after retirement; to the Committee on Post Office and Civil Service.

By Mr. HUOT:

H.R. 6564. A bill to enforce the 15th amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mrs. KELLY:

H.R. 6565. A bill to enforce the 15th amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. KEOGH:

H.R. 6566. A bill to amend the Civil Service Retirement Act, as amended, to provide for the recomputation of annuities of certain retired employees who elected reduced annuities at the time of retirement in order to provide survivor annuities for their spouses, and for the recomputation of survivor annuities for the surviving spouses of certain former employees who died in service or after retirement; to the Committee on Post Office and Civil Service.

H.R. 6567. A bill to amend the Civil Service Retirement Act to provide for the adjustment of inequities and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 6568. A bill to amend the Tariff Act of 1930 to provide for alteration of the duties on importation of copra, palm nuts, and palm nut kernels and the oils crushed therefrom; to the Committee on Ways and Means.

By Mr. McGRATH:

H.R. 6569. A bill to amend the Internal Revenue Code of 1954 to repeal the excise tax on communications; to the Committee on Ways and Means.

By Mr. MACDONALD:

H.R. 6570. A bill to amend the War Claims Act of 1948, as amended, to provide compensation for certain additional losses; to the Committee on Interstate and Foreign Commerce.

By Mr. MATSUNAGA:

H.R. 6571. A bill to provide for the conveyance of certain real property situated in the State of Hawaii to the State of Hawaii; to the Committee on Government Operations.

By Mr. MATTHEWS:

H.R. 6572. A bill to repeal the excise tax on amounts paid for communication services of facilities; to the Committee on Ways and Means.

By Mr. MORSE:

H.R. 6573. A bill to amend title 10 of the United States Code in order to accord to certain persons, who suffered the loss of a hand or foot in World War II, benefits and perquisites similar to those enjoyed by persons suffering such a loss during the Korean conflict; to the Committee on Armed Services.

By Mr. O'HARA of Michigan:

H.R. 6574. A bill to amend the Fair Labor Standards Act of 1938 to provide for double time for overtime; to the Committee on Education and Labor.

By Mr. OLSON of Minnesota:

H.R. 6575. A bill to amend title III of the Bankhead-Jones Farm Tenant Act, as amended, to provide for additional measures and types of assistance for carrying out plans for land conservation and land utilization, and for other purposes; to the Committee on Agriculture.

H.R. 6576. A bill to amend the Tariff Schedules of the United States to reimpose duties on the importation of wild rice; to the Committee on Ways and Means.

By Mr. QUIE:

H.R. 6577. A bill to amend the Internal Revenue Code of 1954 to provide for deduction of certain education expenses of teachers; to the Committee on Ways and Means.

By Mr. RYAN:

H.R. 6578. A bill to protect the employment rights of individuals who participate in civil rights activities, and for other purposes; to the Committee on the Judiciary.

H.R. 6579. A bill to amend section 4554 of title 39, United States Code, to extend the

fourth-class educational and library materials rate to playscripts; to the Committee on Post Office and Civil Service.

By Mr. ST GERMAIN:

H.R. 6580. A bill to provide for equitable acquisition practices, fair compensation, and effective relocation assistance in real property acquisitions for Federal and federally assisted programs, and for other purposes; to the Committee on Ways and Means.

By Mr. SCHEUER:

H.R. 6581. A bill to amend section 2 of the Export Control Act of 1949; to the Committee on Banking and Currency.

By Mr. SENNER:

H.R. 6582. A bill to amend the Rural Electrification Act of 1936 to require payment of prevailing wages on construction assisted by loans under such act; to the Committee on Agriculture.

By Mr. SISK:

H.R. 6583. A bill to amend section 8c(6)(I) of the Agricultural Marketing Agreement Act of 1937, as amended, to authorize provision for marketing promotion and paid advertising under marketing orders for plums; to the Committee on Agriculture.

By Mr. WOLFF:

H.R. 6584. A bill to implement the provisions of section 2 of article XIV of the Constitution of the United States and section 22 of the Revised Statutes (2 U.S.C. 6) which require that the basis of representation of each of the several States in the House of Representatives shall be reduced in proportion to the number of adult citizen inhabitants of such State whose right to vote is denied or abridged; to the Committee on the Judiciary.

By Mr. CLANCY:

H.J. Res. 391. Joint resolution to designate Columbus Day, the 12th day of October in each year, a legal holiday; to the Committee on the Judiciary.

By Mr. RYAN:

H.J. Res. 392. Joint resolution proposing an amendment to the Constitution of the United States to repeal the 22d amendment thereto; to the Committee on the Judiciary.

By Mr. TOLL:

H.J. Res. 393. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Commitee on the Judiciary.

By Mr. CHELF:

H.J. Res. 394. Joint resolution proposing an amendment to the Constitution of the United States providing that the term of office of Members of the U.S. House of Representatives shall be 4 years; to the Committee on the Judiciary.

By Mr. KING of New York:

H. Con. Res. 359. Concurrent resolution expressing the sense of the Congress with respect to the settlement of the indebtedness of the French Republic to the United States made by the World War Foreign Debt Commission and approved by the President; to the Committee on Ways and Means.

By Mr. RYAN:

H. Con. Res. 360. Concurrent resolution expressing the sense of the Congress with respect to discrimination against U.S. citizens by foreign nations; to the Committee on Foreign Affairs.

By Mr. ST GERMAIN:

H. Con. Res. 361. Concurrent resolution expressing the approval of Congress for the disposal of raw silk and silk noils from the national stockpile; to the Committee on Armed Services.

By Mr. WIDNALL:

H. Con. Res. 362. Concurrent resolution to establish an International Economic Conference to consider balance of payments; to the Committee on Banking and Currency.

By Mr. ANNUNZIO:

H. Con. Res. 363. Concurrent resolution to request the President of the United States to urge certain actions in behalf of Lithuania, Estonia, and Latvia; to the Committee on Foreign Affairs.

By Mr. HAYS:

H. Con. Res. 364. Concurrent resolution authorizing the printing as a House document of a revised edition of "The Capitol"; and providing for additional copies; to the Committee on House Administration.

By Mr. RUMSFELD:

H. Con. Res. 365. Concurrent resolution to insure equal rights and self-determination for the peoples of Latvia, Lithuania, and Estonia; to the Committee on Foreign Affairs.

By Mr. ST GERMAIN:

H. Res. 282. Resolution authorizing cards or identification for certain officers and employees of the House of Representatives; to the Committee on House Administration.

By Mr. WHALLEY:

H. Res. 283. Resolution authorizing cards of identification for certain officers and employees of the House of Representatives; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

123. By Mr. TUPPER: Memorial of the 102d Maine Legislature, proposing abolition of futures trading of potatoes on the New York Mercantile Exchange by the Congress of the United States; to the Committee on Agriculture.

124. Also, memorial of the 102d Legislature of the State of Maine, memorializing the President and the Congress of the United States, relative to requesting Members of Congress to support the agricultural conservation program and the Soil Conservation Service; to the Committee on Agriculture.

125. Also, memorial of the Legislature of the State of Idaho, memorializing the President and the Congress of the United States, to give early authorization to the construction of the Mountain Home Division, Snake River project, Guffey plan of development; to the Committee on Interior and Insular Affairs.

126. By the SPEAKER: Memorial of the Legislature of the State of California, memorializing the President and the Congress of the United States, relative to legislation authorizing construction of the Auburn Dam and Folsom South Canal; to the Committee on Interior and Insular Affairs.

127. Also, memorial of the Legislature of the State of Alaska, memorializing the President and the Congress of the United States to propose an amendment to the Federal Constitution to preserve the bicameral aspect of State legislature; to the Committee on the Judiciary.

128. Also, memorial of the Legislature of the State of Alaska, memorializing the President and the Congress of the United States to approve pending legislation to extend the term during which the Secretary of the Interior is authorized to make fisheries loans under the Fish and Wildlife Act of 1956; to the Committee on Merchant Marine and Fisheries.

129. Also, memorial of the Legislature of the State of West Virginia, memorializing the President and the Congress of the United States to take action on the Knox Creek Dam, in Pike County, Ky., to assist in providing flood control in the valley of the Tug Fork of the Big Sandy River in West Virginia; to the Committee on Public Works.

130. Also, memorial of the Legislature of the State of Arizona, memorializing the President and the Congress of the United States to direct the Veterans' Administration to provide additional facilities in Arizona for the care and hospitalization of qualified veterans; to the Committee on Veterans' Affairs.

131. Also, memorial of the Legislature of the State of New York, memorializing the President and the Congress of the United States to enact legislation for the establishment, erection, and maintenance of a veterans hospital in Monroe County, N.Y.; to the Committee on Veterans' Affairs.

132. Also, memorial of the Legislature of the State of Pennsylvania, memorializing the President and the Congress of the United States to reconsider the decision to close the Veterans' Administration regional office in Wilkes-Barre, Pa.; to the Committee on Veterans' Affairs.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. ADAMS (by request):

H.R. 6585. A bill for the relief of Dr. Dulce F. Santos (Taycon); to the Committee on the Judiciary.

By Mr. BURKE:

H.R. 6586. A bill for the relief of Manuel Francisco Correia de Mediros; to the Committee on the Judiciary.

By Mr. COLLIER (by request):

H.R. 6587. A bill for the relief of Jose Bolanos; to the Committee on the Judiciary.

H.R. 6588. A bill for the relief of Zoltan and Katalin Poznan; to the Committee on the Judiciary.

By Mr. CONABLE:

H.R. 6589. A bill for the relief of Mohammad Nisar Ahmad; to the Committee on the Judiciary.

By Mr. EDWARDS of California:

H.R. 6590. A bill for the relief of Arthur Hill; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H.R. 6591. A bill for the relief of Ignacy and Helena Radwansky; to the Committee on the Judiciary.

By Mr. FOGARTY:

H.R. 6592. A bill for the relief of Albert J. Kennedy; to the Committee on the Judiciary.

By Mr. KASTENMEIER:

H.R. 6593. A bill for the relief of the children of Mrs. Doris E. Warren; to the Committee on the Judiciary.

By Mr. KREBS:

H.R. 6594. A bill for the relief of Jose Augusto Esteves Rendeiro; to the Committee on the Judiciary.

By Mr. MACDONALD:

H.R. 6595. A bill for the relief of Arnold N. Pinto; to the Committee on the Judiciary.

By Mr. MORRISON:

H.R. 6596. A bill for the relief of Helen N. Meighan; to the Committee on the Judiciary.

H.R. 6597. A bill for the relief of Sonia Marie Davis; to the Committee on the Judiciary.

H.R. 6598. A bill for the relief of Ruth Christabell Belisle; to the Committee on the Judiciary.

By Mr. MORSE:

H.R. 6599. A bill for the relief of Antonio Di Stefano; to the Committee on the Judiciary.

By Mr. MURPHY of New York:

H.R. 6600. A bill for the relief of Habibollah and Ashraf Cohen; to the Committee on the Judiciary.

By Mr. O'NEILL of Massachusetts:

H.R. 6601. A bill for the relief of Ta Wah Lee; to the Committee on the Judiciary.

H.R. 6602. A bill for the relief of Eugenio Conceicao Sousa; to the Committee on the Judiciary.

H.R. 6603. A bill for the relief of Pao Hsi Yeh; to the Committee on the Judiciary.

By Mr. POOL:

H.R. 6604. A bill for the relief of Spyridon Brakoulias; to the Committee on the Judiciary.

By Mr. PUCINSKI:

H.R. 6605. A bill for the relief of Nicholas Nikolopoulos; to the Committee on the Judiciary.

By Mr. REINECKE:

H.R. 6606. A bill for the relief of Li Tsu (Nako) Chen; to the Committee on the Judiciary.

By Mr. ROBERTS:

H.R. 6607. A bill for the relief of George A. O'Connell, Jr.; to the Committee on the Judiciary.

By Mr. RUMSFELD:

H.R. 6608. A bill for the relief of Victor J. Blumenfeld; to the Committee on the Judiciary.

By Mr. RYAN:

H.R. 6609. A bill for the relief of Norton Dew Patrick Taylor; to the Committee on the Judiciary.

H.R. 6610. A bill for the relief of Shamoon Alfred Salih; to the Committee on the Judiciary.

By Mr. SMITH of California:

H.R. 6611. A bill for the relief of Stanislaw and Julianna Szymonik; to the Committee on the Judiciary.

By Mr. SMITH of New York:

H.R. 6612. A bill for the relief of Dr. Yung Ching Chu; to the Committee on the Judiciary.

By Mr. SWEENEY:

H.R. 6613. A bill for the relief of Francesco Arsena; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

136. By the SPEAKER: Petition of city clerk, city of Worcester, Mass., petitioning consideration of his resolution with reference to urging action by the President and the Attorney General to insure certain constitutional rights and urging legislation on voting rights; to the Committee on the Judiciary.

137. Also, petition of Henry Stoner, Avon Park, Fla., petitioning consideration of his resolution with reference to urging further definition of the term "impartial jury"; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

The Test of Previous Experience

EXTENSION OF REMARKS

OF

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 1965

Mr. CORMAN. Mr. Speaker, during the debate on H.R. 5374, a bill which would have corrected the cuts in Supreme Court salary made by the other body last year, the gentleman from Missouri [Mr. ICHORD] provided a most interesting analysis in which he recited the prior judicial experience of members of the Supreme Court. The gentleman from Missouri found that the Supreme Court has failed the Ichord test of prior experience.

I was most intrigued by Mr. ICHORD'S test. I suspected that perhaps we had finally discovered a reliable test which the public might use to assess the value of public servants including Members of the House of Representatives. This is a subject of continuing controversy and, in fact, the gentleman from Ohio [Mr. HAYS] brought a survey of competence of the Members of the House to our attention at the beginning of this session. The gentleman from Ohio had protested this previous test of competence, which was based upon an alleged survey of the press and the Members of this House, and I had hoped that the test of previous experience might prove to be a suitable alternative.

I wish to bring to the attention of my colleagues a concrete example of this test when it is applied to this House. On the one hand, I chose six outstanding leaders from the ranks of the House. An examination of the biographies of the Speaker, the majority leader, the majority whip, the minority leader, the minority whip, and the dean of the House —the distinguished chairman of the Judiciary Committee—revealed that their combined legislative experience, prior to service in this House, totaled 7 years. Incidentally, that total is entirely due to the service of our Speaker in the Massachusetts Legislature. My record revealed 3½ years experience in the Los Angeles City Council. The gentleman from Missouri has had 9 years of service in his State legislature before election to Congress. The combined total of 12½ years clearly outnumbered the aforementioned total of 7 years and yet it is hard to believe that the latter two Members make a contribution to this House which exceeds that of the Speaker, the majority leader, the majority whip, the minority leader, the minority whip, and the chairman of the Judiciary Committee. On this basis, and with regret, I must discard the test of previous experience and urge my colleagues to do the same.

Water Shortage

EXTENSION OF REMARKS

OF

HON. CLAIR CALLAN

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 1965

Mr. CALLAN. Mr. Speaker, this country faces ever greater problems than ever before in meeting its needs for water. About one-fourth of the population of this country is troubled with water shortage, poor water or both. And the problems will increase as our population increases and the demand for pure water rises.

The projections for this increased demand for water can be seen in our past history. From 1900 to 1950, while the population of the United States doubled, total water use, other than for power, increased fourfold. By 1960, total water use was up 59 percent from 1950. In 1900 we used an average of 600 gallons of water per capita for all uses every day. By 1950, this figure had increased to 1,100 gallons and by 1960, it has grown to 1,500.

The future can hold nothing but increased demand for water. It is estimated that by 1980, the demand for water will double over the demand in 1960 and we will be using 2,300 gallons of water a day for every man, woman, and child in the United States.

The huge amounts of water which we use now and will use in the future will be obtained either from wells—ground water—or rivers, streams, and lakes. About 60 percent of all the water distributed by municipal water systems is taken from lakes and streams and it is this water which is most easily polluted.

Water is one of this Nation's most valuable resources and as this Government faces the prospect of spending increasing funds to investigate desalinization of sea water, we must also turn every attention to conserving and making the best use of water available now.

Does America Need and Want More Federal Aid to Education?

EXTENSION OF REMARKS

OF

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 1965

Mr. FISHER. Mr. Speaker, the House will soon be called upon to vote on a mammoth Federal aid to education bill. Cost for the first year will exceed $1 billion, the downpayment. This money would go to public, private, and church-supported schools at all levels, from kindergarten to and through college and postgraduate work.

An analysis of this legislation reveals that while it provides some special type aid for certain areas, it is essentially a general Federal aid to education program, including Federal funds for classroom construction, teacher salaries, and it extends limited aid to nonpublic schools.

Thus, the Congress is again called upon to decide whether there is to be a general Federal aid program. And this decision will include the matter of Federal control. There is admittedly an overtone of federalization throughout the pending bill. There is no doubt but that the grant of so much in benefits to so many areas invites Federal control with respect to how and under what conditions this money is to be spent. This is simply a part of the price the recipients must pay for this new outlay of Federal funds.

In considering this new thrust of Federal activity into local affairs, it would seem appropriate that the Congress think in terms of how much, if

any, net gain each State would actually get. Undoubtedly most of the States would lose money in the transaction. That is, the local dollars that are sent to Washington as taxes, there repackaged and sent back as Federal aid inevitably loses up to a third of the original amount in the transaction. All is not gold that glitters.

Mr. Speaker, there is a great deal of local opposition to this proposal. That fact was recently indicated in the district I represent by answers to questions which I submitted to every registered voter in that district. The returns were tremendous, the results have been tabulated, and are listed below as an indicator of the thinking on the grassroots level. The questions and answers with respect to education, follow:

Do you favor Federal aid for teachers' salaries?

	Percent
Yes	25
No	69
Undecided	6

Are you in favor of Federal aid for school construction?

	Percent
Yes	39
No	54
Undecided	7

Do you favor Federal aid for church-supported and other private schools?

	Percent
Yes	11
No	84
Undecided	5

Memphis Fire Department Honored

EXTENSION OF REMARKS

OF

HON. GEORGE W. GRIDER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 1965

Mr. GRIDER. Mr. Speaker, a general alert was sounded in Memphis fire stations last week but it was no cause for alarm. It was to make an announcement that the city of Memphis has been awarded a class I rating by the national board of fire underwriters. The only other city in the Nation under 1 million population with such a rating is Washington, D.C.

For the citizens of my district, it means they now have the lowest fire insurance rates available. But it is also a tribute to Fire and Police Commissioner Claude A. Armour and Fire Chief E. A. Eddie Hamilton and the 985 men of the Memphis Fire Department. And it reflects favorably on our city of good abode.

The rating is the result of a team from the national board spending 2 weeks in Memphis making a survey of the fire department and its operations.

The city was graded on its overall department, its fire alarm system, fire prevention program, water supply, structural conditions of buildings, equipment, manpower training, administration, records, maintenance, reserve equipment, housing, alarm response, and testing programs.

I am especially pleased to inform my colleagues of this event because this week Memphis plays host to 4,000 members of the Nation's fire departments. Firemen from practically every congressional district in the country will be attending the annual Fire Department Instructors Conference.

We bid them welcome, and I am sure it will be an informative session that will benefit all our communities.

National Football Clinic

EXTENSION OF REMARKS

OF

HON. THOMAS C. McGRATH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 1965

Mr. McGRATH. Mr. Speaker, today in Atlantic City's Convention Hall, the 18th annual National Football Clinic is convening, with hundreds of collegiate, prep school and high school coaches from all over the United States attending.

The National Football Clinic was inaugurated in 1948 by Dr. Harry G. Scott, a Coatesville, Pa., dentist then serving as a director of his local school board, to offer football coaches an opportunity to keep up to date with the progress of the game and with the improving techniques of conditioning and safety. Another of its original goals was to foster mutual help among coaches in solving problems involved in the worthy leadership of young people.

The first of Dr. Scott's coaching schools met in a high school gymnasium in Coatesville during a midwinter vacation, attended by 47 coaches. Through 1951, meeting in that gymnasium, the number of attendees grew to such an extent that when, in 1952, the city of Atlantic City extended to Dr. Scott an invitation to move his clinic there, the offer was accepted.

Since 1952, Atlantic City has been the site of the annual clinic sessions, and the number of coaches attending has now passed 1,000 with professional and Armed Forces football mentors joining the school and college coaches.

It is altogether fitting that the National Football Clinic holds forth in Atlantic City's Convention Hall—the same auditorium in which the 1964 Democratic National Convention was held. Convention Hall was the first building in the United States which could accommodate a regulation gridiron indoors. Its construction permits 12,000 spectators to watch games without obstructions of any kind.

Last December, the Liberty Bowl game, the first post-season bowl game ever played indoors, was contested on the Hall's grassy indoor gridiron and was watched by additional millions over a nationwide television network. Indeed, football has been played under its roof since 1934, when Washington and Jefferson and Lafayette College teams participated in the first indoor collegiate football game in history. More than a few of the coaches who have attended and lectured at clinic sessions in the hall have led teams in games played there.

Coaches from 30 States, including Hawaii, and Canada, and Mexico have been among "students" at the 4-day coaching school in recent years. The National Football Clinic is the largest 4-day football clinic held anywhere, and the results it has achieved in recent years have far surpassed the original purpose of improving football techniques.

With President Johnson giving increased attention to the physical fitness of our youth, it has been found that inspiring our youngsters to pursue physical fitness is a basic necessity of such a program. The clinic has consistently included on its faculty the outstanding football coaches in the Nation, and these men have inspired coaches attending the clinic to such a degree that it has been demonstrated that their subsequent attempts to inspire their own students have been greatly enhanced.

Among the lecturers at the 18th annual clinic are Notre Dame's Ara Parseghian, Ohio State's W. W. "Woody" Hayes, Yale's John Pont, the University of Florida's Ray Graves, University of Washington's Jim Owens, Arkansas' Frank Broyles, Nebraska's Robert S. Devaney, Delaware's David M. Nelson, Banquet Speaker Herbert "Fritz" Crisler, Michigan athletic director and former coach, and Conditioning Experts Dean Miller, of San Jose State College, who oversees conditioning of America's astronauts, and Princeton's trainer, Edward Zanfrini. For demonstration purposes, uniformed players from the University of Delaware, Temple University, and Atlantic City High School football squads will aid in clinic lectures.

But, in addition to the football know-how the coaches attending this year's 4-day clinic will receive, the youth of our Nation will benefit from the attention which will again be paid the safety aspects of this body-contact sport. And perhaps most important, some 1,000 new physical fitness missionaries will return to their schools, colleges, and service teams eager and equipped to inspire American youngsters to further improvement of their bodies.

Year 1965 Questionnaire Results

EXTENSION OF REMARKS

OF

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 1965

Mr. CHAMBERLAIN. Mr. Speaker, today I am announcing the results of my annual questionnaire which has been widely distributed throughout the Sixth District of Michigan. This information has been tabulated by Data Management, Inc., of Washington, D.C.

As I review the results, there are certain points that stand out clearly. Interests in legislation to provide medical care for the elderly continues very high, with few people with uncertain attitudes. Most significant were the hundreds of "write-in" preferences for the eldercare plan which—because it was suggested just about printing time—was not one of the stated options. For not being on the ballot, eldercare ran a most impressive race. Continued foreign aid brought an emphatic response with 79 percent stating that it should be reduced or discontinued. Another strong expression was reflected by the 78 percent who felt genuine concern over current fiscal policies of the Federal Government.

In addition, in view of the industrial complexion of the district which I am privileged to represent, I feel the response to the question regarding the repeal of section 14(b) of the Taft-Hartley Act is of more than passing interest and call attention to the fact that 53 percent of those responding opposed such a change.

Knowing that the interest in such polls transcends the boundaries of congressional districts, with unanimous consent I place the results of my 1965 questionnaire in the RECORD:

1965 questionnaire results, Representative CHARLES E. CHAMBERLAIN *(6th District, Michigan)*

[In percent]

	Yes	No	Not sure
Do you favor—			
1. Federal regulation of cigarette advertising and labeling to warn smokers of potential health hazards?	69	24	7
2. Fair-trade legislation to let manufacturers fix minimum retail prices for nationally branded goods?	29	58	13
3. Repeal of sec. 14(b) of the Taft-Hartley Act which permits states to enact right-to-work laws?	31	53	16
4. Providing for an economic development program for the 11-state Appalachian region?	46	30	24
5. Providing medical care for the elderly by— (*Percent*)			
Increasing social security taxes to finance hospital and nursing home costs for those over 65 (King-Anderson approach)? — 23			
A tax credit or Federal financing for private insurance for both medical and hospital care for those over 65 (Bow bill)? — 33			
No Federal participation in this field — 24			
Other — 10			
No answer — 10			
6. A voluntary cropland retirement program to aid in adjusting agricultural production to market needs?	44	25	31
7. Last year the House increased social security benefits 5 percent, but the bill died in conference. Do you favor such an increase now?	59	31	10
8. Now that excise tax revisions on jewelry, furs, cosmetics, luggage, and handbags are being considered, should the 10-percent excise tax on automobiles also be reduced or repealed?	77	16	7
9. The administration's education proposals, among other things, would extend Federal aid to (*a*) preschool projects, (*b*) children from low-income families, (*c*) purchase of textbooks, and (*d*) State education departments. Do you believe that these are now areas where Federal action has become necessary?	34	54	12
10. Do you believe the current fiscal policies of unbalanced budgets, deficit spending, and borrowing to finance the Federal Government are any real cause for concern?	78	13	9
11. What is your opinion of the President's antipoverty program (no answer, 12 percent):			
Needs expansion — 17 (*Percent*); Goes too far — 23 (*Percent*)			
Good as is — 21; Unnecessary — 27			
12. The administration has requested $3,400,000,000 for foreign aid next year. Should this program be (no answer, 4 percent):			
Increased? — 3 (*Percent*); Decreased? — 51 (*Percent*)			
About this level? — 14; Discontinued? — 28			

Address by Hon. Daniel J. Flood Before the American Bandmasters' Association, in Convention at Washington, D.C.

EXTENSION OF REMARKS

OF

HON. KEN W. DYAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 1965

Mr. DYAL. Mr. Speaker, under unanimous consent I insert in the RECORD the speech made before the American Bandmasters' Association's annual convention at the Mayflower Hotel on March 6 by the Honorable DANIEL J. FLOOD, of Pennsylvania.

Our Nation's Capital is renowned for its excellent band music. As an encouragement, however, for other areas, the cultural significance of fine music has been well given by the remarks of the gentleman from Pennsylvania.

The speech follows:

Bands and band music are subjects that are very near and dear to my heart. Therefore it is with special pleasure that I salute the American Bandmasters' Association. From the very outset of your organization musicians from both the United States and Canada have united in mutual helpfulness and for the promotion of better music through the instrumentality of the band.

My research informs me that your organization formally began almost 36 years ago—in July 1929, to be exact. The founder, Edwin Franko Goldman, had an enviable reputation as organizer and conductor of the Goldman Band Concerts in New York and made him the ideal person to launch such a movement. After talking with Victor J. Grabel of Chicago, William J. Stannard of Washington, and, later, with John Philip Sousa, all of whom favored the idea of organization, Mr. Goldman finally invited a representative number of prominent bandmasters of the United States and Canada to be his guests at a luncheon in New York on July 5, 1929. At this meeting the American Bandmasters' Association was definitely organized. Mr. Goldman was your first president. On March 13, 1930, the American Bandmasters' Association was incorporated under the laws of New York State.

The story of band music in our hemisphere—and in fact throughout the world—is a fascinating one.

We recall that in about 1250 B.C. Gideon prepared for his battle with the Midianites. "And he divided the 300 men into three companies, and he put a trumpet in every man's hand * * * and he said * * * when I blow with a trumpet * * * then blow ye the trumpets also." Perhaps that was the first massing of hornblowers in history.

We can be certain that the occasional massing of instrumentalists is an ancient and noble practice.

The forerunner of the massed band as we know it today might well have been the mammoth band which played on May 12, 1838. A fete was being given at Berlin to the Emperor Nicholas of Russia who was in Germany on a visit to the King of Prussia. One of the great bandmasters was to conduct that day. His name was Wieprecht.

Wieprecht, we are told, had been making band history. He was only an amateur—and being a civilian he met with great and determined opposition from the military authorities and professional musicians. But his ideas were sound. In brief he proposed to modernize the band both as regards the use of valve instruments and in assembling instruments which would play better together. By perseverance he finally interested the commander of a cavalry band so thoroughly that the latter paid out of his own pocket to have his band refashioned along lines laid down by the civilian. Wieprecht's plan called for the use of high trumpets, key bugles, alto trumpets, tenor horns, bass horns—all having two or three valves—and slide trombones. He also used flutes, oboes, and bassoons not commonly found in the bands of that time.

The innovation was so successful that Wieprecht was asked to come and do the same modernization work for the bands of the Prussian Life Guards, which presently blossomed out as musical organizations. In 1838 Wieprecht was appointed director of all the guards' bands, and every military band in Germany was remodeled to accord with his recommendations.

Then came the decision to bring together a monster performance of bandsmen which he would conduct. Sixteen cavalry bands and 16 infantry bands were assembled. In all there were 1,000 wind instrument players, and 200 side drummers. But one thing about the concert shocked the King of Prussia. Wieprecht appeared before the brilliantly uniformed bandsmen in his civilian street clothing. What the Emperor of Russia thought of that no one knows. But something had to be done about it. The King hastily ordered a splendid uniform for the conductor and it was put together fast enough so that 4 days later he could appear clad in this unaccustomed regalia for a repeat performance before the tsar and the nobility. Let us hope they were duly impressed.

We leap across the years and recall that during numerous historical events of our own country that band music has inspired and led. The recent presidential inauguration

parade in Washington, D.C., is an ample reminder of the importance of bands and band music in moments of great national interest.

Grover Cleveland's first inaugural had the U.S. Marine Band, led by John Philip Sousa. An exotic element was introduced at the inauguration of William Howard Taft. The Philippine Constabulary Band from Manila was brought to the United States in order to perform at two of six concerts. The six concerts were in honor of the Army, the Navy, Congress as a whole, the Governors of the States, the Senate and House, and the American people.

History is replete with stories of the power and majesty of band music.

It was Dr. Walter Damrosch who said some years ago: "What America needs is a band in every community."

There is a mountain of evidence that music satisfies the most deep seated human needs—mental, physical, and spiritual.

Dr. Charles W. Eliot, for many years president of Harvard University, once said, "Music rightly taught is the best mind trainer on the list." And we cannot forget the bandmasters are also teachers and that bands become valuable agencies in the progress of education for both of our countries.

The bands of today are in good hands. You, the bandmasters, know the fine art of conducting, of teaching, you are sincere musicians, and know that showmanship is important.

I cannot refrain from quoting the great John Philip Sousa. His words are exceedingly flowery, but said with the heart, I am certain.

"Why does the world need bands? Why does the world need laughter of children, moonrise in the mountains, great masterpieces of art? Why, indeed? Because the world has a soul, a spirit, which is hungry for beauty and inspiration."

I fully agree with Mr. Sousa. The band holds an entirely distinctive place in the world of music. It affords a means of stimulation that cannot be acquired in any other way. The bands of today, my friends, can boast the most ancient ancestry in music.

Zero Defects Program: An Objective

EXTENSION OF REMARKS

OF

HON. RODNEY M. LOVE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 1965

Mr. LOVE. Mr. Speaker, the zero defects program is being promoted by the Department of Defense and the U.S. Air Force. It is a grassroots program aimed at inspiring each individual to strive toward producing defect-free work the first time. It puts the responsibility for quality performance squarely on the shoulders of the individual, making each man his own critic. It is based on the principle of prevention, rather than detection of errors. It stresses the importance of good workmanship and professionalism, in which the individual can take pride and receive due recognition. This program recognizes that the individual wants to do good work and can achieve a high degree of perfection in what he does, if properly motivated.

Anyone who has sought to create perfection knows as one of the most obstinate facts of life that it is never achievable. What is sometimes achieved is one's best, if he has suffered and striven long and hard enough. The odd truth is that one's best is even better than perfection, because it is achievable.

During the week of March 8–12, each of the officers and airmen of the Aeronautical Systems Command at Wright-Patterson Air Force Base, Ohio, were asked to voluntarily support this program. Opening day for this effort was designated "Zero Defects Day," at which I had the honor to participate in the program attended by over 6,000 employees of the Aeronautical Systems Command along with the Honorable James A. Rhodes, Governor of the State of Ohio; the Honorable George E. Fouch, Deputy Assistant Secretary of Defense; Maj. Gen. Charles H. Terhune, Jr., commander, Aeronautical Systems Division; Maj. Gen. Fred J. Ascani, commander, Systems Engineering Group; and Mr. Edward Woll of the General Electric Co.

I believe my colleagues, and others, would be interested in the purpose and objectives of the zero defects program and I submit the remarks made on opening day for their attention:

ADDRESS BY MAJ. GEN. CHARLES H. TERHUNE, JR., COMMANDER, AERONAUTICAL SYSTEMS DIVISION, WRIGHT-PATTERSON AIR FORCE BASE, OHIO

Thank you Colonel Wittbrodt. Ladies and gentlemen, before getting on with the formal program I would like to take a couple of minutes to briefly introduce our honored guests who will speak to you today: Congressman RODNEY LOVE, Deputy Assistant Secretary of Defense George Fouch, Mr. Edward Woll, of General Electric.

If you looked at your program you undoubtedly noticed that Governor Rhodes is also scheduled to speak. Governor Rhodes has been delayed—but he assured me that he will be here to say a few words a little later in the program.

I asked you to come here today so that I could personally discuss with you the purpose and objectives of the zero defects program. I am sure many of you wonder why we didn't just send you a letter rather than take you away from your work? The answer to this question rests in the underlying philosophy of the program—and that is this—a personal appeal to every individual to do the job right the first time. I know of no better method of making such an appeal than talking to you as I do now. Yes, ladies and gentlemen, I am making a personal appeal to you—an appeal to dedicate yourselves to performing each task to the very best of your ability—to do the job right the first time—to change the attitude that mistakes are as natural as humanity itself.

I am sure that each one of us can think of something we have done in the recent past, which if we had to do over again we could do better. If this is so, and I am sure it is, we have been engaged in zero defects right along, at least in a limited way—certainly we won't or at least shouldn't make the same mistake again. What then are we talking about? Basically we want you to take that second look first—and then do the job right.

Why do mistakes happen? You can get almost as many answers to this question as there are people in this fieldhouse. However, a careful analysis will show that most mistakes are a result of lack of attention. This is an outgrowth of the inbred philosophy that "to err is human," and therefore, if you're human you'll make mistakes. But is it ordained that people must make mistakes? And more importantly—do people always make the same percentage of errors in everything they do? The answer to both of these questions is "No."

A man may make an error in 5 percent of the work he starts or processes on his job—but you can bet that he will not get short changed on his paycheck 5 percent of the time. He certainly will not go home to the wrong house or forget to pay his taxes 5 percent of the time. What accounts for this? Do people have two standards of performance—one for the job, and another for other important matters? Does he vary these standards according to the importance he attaches to the thing he is doing? For the most part the answer is "Yes." This then is the problem and where zero defects come in—through the zero defects program we hope to convince you that your job—whatever it may be—the source of your livelihood—is every bit as important as anything you do. And in our particular case it is important not only to you—but to the defense of our Nation. As former President Eisenhower once put it, "We must somehow get it through our heads that this is a Nation defending itself, and not a professional soldier defending someone else."

If we can do this, and I firmly believe we can, we all stand to benefit in at least two ways: (1) we accomplish our mission more efficiently, or to put it another way—we minimize our manpower shortages; and (2) we all have the satisfaction of knowing we have done our individual jobs well.

"Zero defects" is more than a catchword or slogan. It is an integral part of successful management at every level. Many of you already perform your work with a high degree of accuracy and efficiency. The objective of zero defects is to increase the number of people who do so, and to extend standards to work which normally cannot be measured or inspected, by establishing every employee, from clerk to scientist, as his or her own critic.

I want to assure you that this program is not going to be one of those where the commander assembles his work force, calls for a crash of drums and blare of bugles, and announces that "Zero defects is the new game and you will all play it." Then the commander promptly forgets the program and leaves everyone to wonder privately, (a) what happened; (b) how long will they have to put up with this new silliness before management allows it to fade and the workers can go back to their comfortable old ruts.

I am personally conviced that the zero defects program is an extremely worthwhile effort—so I will not allow it to fade—in fact I have plans underway at the present time for sustention of the program into the future—I want the zero defects philosophy and objectives kept in the forefront from this day forward or at least until such time as zero defects becomes second nature or "the new way of life." Furthermore, I have personally asked each of the firstline supervisors to conscientiously support this program—and I am confident that they will. Management at all levels, from DOD and Headquarters, U.S. Air Force on down is dedicated to attaining the objectives of the zero defects program. We fully realize the important part management must play in this program and we ledge our unqualified support.

I ask each and every one of you today to join me in this pledge.

ADDRESS BY CONGRESSMAN RODNEY M. LOVE, AT ZERO DEFECTS RALLY, MARCH 8, 1965

Good afternoon, ladies and gentlemen. At the outset I want to say that I am most happy to be here—I also want to take this opportunity to publicly thank General Terhune for inviting me to participate in your program. I understand that Mayor Sommers has just recently renamed Dayton the "Birthplace of Aviation" instead of the "Home of Aviation." I heartily agree with Mayor Sommers. This is the one thing that

we Daytonians are most proud of. We have another claim to fame that some of us may have taken for granted. That is Wright-Patterson Air Force Base. If Dayton is the birthplace of aviation, and it is, then Wright-Patterson is most assuredly the home of aviation. I am very proud of your installation and I know you—you who perform the myriad tasks associated with the design, development, and acquisition of the world's finest manned aircraft systems—are justifiably even more proud of its rich heritage. When General Terhune first invited me to speak to you about zero defects, I wondered what in the world was happening back in the old hometown. As you must realize, the first months of a freshman Congressman's life is little short of frantic. If you sometimes think your world is a madhouse you have a vague idea of what I have been through. Anyhow, I must admit to you that I was less than conversant with the subject. So I decided to do a little research to make certain I wouldn't be required to kiss the tail end of a B-52 or become the first Congressman ejected from a supersonic fighter 10 feet off the ground. I certainly intend to serve my constituents well, but I also intend to complete my first term in office.

The Constitution of the United States places on Congress the responsibility of providing and maintaining the Armed Forces needed for our national defense; it also makes Congress responsible for the general welfare of the Nation. It is from the standpoint of meeting these responsibilities that I will talk for a few minutes on the congressional interest in the zero defects program.

While we are a rich country, we all know that there are practical limits as to how much we can ask the taxpayer to pay to support our Federal programs while still maintaining a health economy.

The first priority, of course, is national defense, for without our freedom the other programs would not have much meaning. So, out of a Federal budget of nearly $100 billion, we find that we must spend about half for national defense. That leaves the other half to meet fixed charges, such as interest on the national debt and care of veterans, and the multitude of programs designed to make this a better country in which to live and bring up our children. We have urgent needs for more schools, better urban transportation systems, slum clearance programs with which to combat crime and juvenile delinquency, equitable support for farmers, and many other programs designed to make it possible for all people in this great Nation to live in a manner which befits the dignity of a human being.

Congress has the responsibility of determining how the national revenues shall be divided in order that worthwhile programs will be as fully supported as possible. Obviously, if we can save some of the $50 billion we spend on national defense without in any way diminishing the effectiveness of our Armed Forces, these savings can be used to build more and better schools and highways, and to do the many other things we need to do to bring about a better balance in our national standard of living. And this is where the zero defects program is so timely and helpful in the accomplishment of our aims.

One of the things which made the United States a great nation was its mastery of the mass production techniques. By producing good automobiles and other consumer goods at prices within reach of the average man, Americans have been able to support a standard of living far beyond that of most other countries. Mass production, admittedly, does not usually produce workmanship of the same level as that used in custom-made articles, but it is generally adequate and it brings the car, the TV, and the dishwasher within reach of millions who otherwise could not afford them. When a malfunction develops, we can get it repaired and the worst that usually happens is the inconvenience of being without the machine for a day or two.

When we tried to apply these mass production techniques to the manufacture of modern, highly complex and costly weapon systems, we got into trouble. If a worker made a faulty electrical connection in our car and ignition trouble developed, a few hours in a garage would correct the matter. But if the same kind of mistake is made in assembling a missile, the result will probably mean the loss of a multimillion dollar weapon. What is worse than the waste involved, if it were in time of war, the malfunction of the weapon could mean irreparable losses. In these days when we are asking our Armed Forces to risk their lives hourly on so many fronts, the least we can do is to make sure that the weapons we give them won't let them down when their lives are at stake.

As a Member of Congress assigned to the House Committee on Armed Services, I feel my part of the congressional responsibility for national security very deeply. That is why I am particularly pleased to see the steps which are being taken to rectify the evils of careless, slipshod workmanship in the defense industry. I was asked by our chairman, the Honorable L. MENDEL RIVERS, to represent the Armed Services Committee. I am sure that my colleagues on the committee are as interested as I am in the success of the zero defects program and join me in congratulating this command in putting it into effect. What the worker has lacked sometimes has been a sense of pride in participating in the building of the finished product. The workman who installs a 25-cent fuse in a million dollar rocket or an $8 million airplane has to realize that he is not dealing with just a 25-cent fuse. He is dealing not only with a multi-million-dollar machine but with men's lives.

The awakening of pride of workmanship in the individual will pay many dividends. The military will get more dependable weapons and equipment. Costs will be lower because wastage will be much less. Deliveries will be faster because there will be fewer faulty jobs to be done over. And the worker will probably be the biggest gainer. He will have the personal satisfaction that comes with having participated in a great project; of knowing that his part of the operation, though it may have been small, was necessary and, without it, the product would have been incomplete. Best of all, he will be able to sleep with a clear conscience knowing that no man will die in a flaming wreck because he, the workman, made a faulty connection or tightened a nut one twist too many.

While I understand that this program is being extended throughout the defense industry, I am particularly pleased to know that the Air Force is applying the same principles to its own "in-house" operations, especially here in my hometown. I look upon you and myself as neighbors who are coworkers in this great field of national defense. I shall be doing my best to see that you get the funds you need to do your job, knowing that when you get this money you will do your best to see that the American citizen will get an honest dollar's worth of defense for every dollar he contributes.

ADDRESS BY MR. GEORGE E. FOUCH, DEPUTY ASSISTANT SECRETARY (EQUIPMENT MAINTENANCE AND READINESS), OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE (INSTALLATIONS AND LOGISTICS), AT AIR FORCE SYSTEMS COMMAND, WRIGHT-PATTERSON AIR FORCE BASE, OHIO, MARCH 8, 1965

Governor Rhodes, Congressman LOVE, General Terhune, ladies, and gentlemen, it has often been said that the greatness of our country—its historic dedication to human rights, its industrial supremacy and military might—reflect the collective genius of its people.

Today we are discussing a movement that has had its roots among the people—the people who design, manufacture, distribute, maintain and use the goods and services on which we all depend for our well-being. This movement goes under various titles—more commonly, zero defects. Looking back over my years of experience in both government and industry, I can't recall any movement that overnight has awakened and marshalled the support and enthusiasm of so many people, from so many diverse elements of industrial life.

The Department of Defense did not originate zero defects. But, without equivocation, it endorses and encourages zero defects programs because they serve the national interest. Why? Because the Department of Defense—and our country as a whole—simply cannot afford the waste that goes with work that is less than the best.

It is a particular pleasure for me to be in Dayton—the birthplace of the aerospace industry—and to have the honor of sharing this platform with Governor Rhodes, Congressmen BROWN and LOVE, and General Terhune. I am deeply conscious that I am addressing a distinguished audience of scientists, engineers, and administrators and their staffs, who are contributing immensely to our national well-being. Your role in the management of the F-111 and C-141 are indicators of the pivotal role the people of the Air Force Systems Command play in national defense.

I am also aware that this audience is probably more concerned with design, development, and administration, than with production, maintenance, and similar operational or shop activities. It is widely assumed that zero defects is addressed primarily to shop personnel—that is, to the machinists, tool men, and operators on the floors of large maintenance and production activities. It is true that zero defects is highly effective in preventing and eliminating defects in those areas.

However, the Department of Defense is equally concerned with improving precision, accuracy, and workmanship upstream—in design, and in the various forms of communication by which engineering requirements are defined, described, and made known to industry. It may well be that the upstream areas of systems management can benefit more from zero defects than the downstream.

A few years ago my office, in cooperation with the Army, Navy, and Air Force, made an on-site survey of quality and reliability of various types of equipment used by the Army, Navy, and Air Force. This survey was by teams who went aboard ships, visited SAV and other commands—talked with the officers and men who use the equipment—and reported back to me the deficiencies they found.

Three types of material were surveyed—electronic items, aircraft spare parts, and tank and automotive equipment. An analysis of all deficiencies shows that at least approximately 50 percent of failures might be ascribed to what I have identified as the "upstream" phase of materiel generation—that is, design and technical data preparation. Production and maintenance processes can downgrade design quality. But we can hardly expect a product to be better than the quality designed into it.

I am sure you will all agree with me that failures and defects do not have their origin in any single element of the military-industry complex. Rather, all elements must do their job right—right the first time. Reliable equipment reflects the continuing and relentless exactitude of engineers, technicians, administrators, as well as production and maintenance.

Zero defect programs accentuate the vital importance of exactitude. It reminds—and keeps reminding—each of us that each job we do must be done right. Doing a job right serves the national interest.

However, zero defect programs also serve the enlightened self-interest of each one of us who earn our bread and butter as employees of the U.S. Government. We live in a competitive world, and it's getting more competitive. Competition exists not only on the international level. It exists among the in-house activities of the Department of Defense. Strict standards of effectiveness and efficiency are applicable to all Defense activities. Survival of these activities depends not only on fulfilling real needs, but on achieving and maintaining a high level of competitive efficiency.

There never was a time when Government activities have been so intensively under public scrutiny as today. We well know that there is a tendency to assume that large in-house military-industrial operations are less efficient than they might be—that Government employees are less attentive to detail—less dollar-conscious—than their counterparts in private industry. Zero defects helps to erase this suspicion—whether this suspicion has any basis in fact or not. It helps make Government organizations competitive and thus continue to play their proper role in their respective communities.

Wright-Patterson Air Force Base is a major component of the economy of Ohio. What you do, and how well you do it, therefore, contributes vitally to the economic health of the community where you live—where you raise your families—where your children go to school—where, in general, you live out your life.

At previous meetings on zero defects—usually in corridor conversations, so to speak—one question is repeatedly raised: Is zero defects here to stay or is it simply a flash in the pan?

I can assure you that so far as the Department of Defense is concerned, this is not a passing fad—a Madison Avenue "gimmick"—something here today and gone tomorrow.

President Johnson and Secretary McNamara have stated again and again their determination to achieve greater efficiency and to reduce the cost of national defense—without compromising the striking power of our Armed Forces.

Zero defects is a major weapon in this relentless and continuing drive to realize maximum defense from every tax dollar.

To make sure that it is a way of life, Department of Defense "in-house" activities have not only instituted zero defects programs, they are also establishing procedures to measure the results of these programs and to give recognition to those who deserve it.

Zero defects symbolizes a ground swell of public opinion that says waste shall not be accepted as a part of the American way of life. The Department of Defense is concerned not only with preventing waste, but with protecting the lives and security of all our people by providing our Armed Forces with safe and reliable equipment. There can hardly be more compelling reasons why you should join your coworkers in perpetuating the zero defects program of the Air Force Systems Command. In this way you serve your country as well as yourself.

Thank you for this opportunity to join my distinguished colleagues on this platform in endorsing this program.

I appreciate very much your cooperation and hospitality.

REMARKS OF MAJ. GEN. FRED J. ASCANI, COMMANDER, SYSTEMS ENGINEERING GROUP, RESEARCH AND TECHNOLOGY DIVISION, WRIGHT-PATTERSON AIR FORCE BASE, OHIO

There is very little in substance that I can add to the remarks made by General Terhune and our honored guests; however, I want to emphasize that we are very serious about the zero defects program and its effective implementation. In the next few days you will all be asked by your supervisors to sign a card pledging your personal support to the objectives of the zero defects program—this pledge card states the basic concept of the program. Each individual will strive to do every task right the first time. The pledge symbolizes your acceptance of the program.

Although participation in the zero defects program is strictly voluntary, we are dedicated to a goal of 100 percent participation. It is clear that the participation level of zero defects is purposely high and, although absolute perfection must remain a goal, the potential exists for great improvement in our efforts to reach a new and much higher plateau of reliability in our modern, more complex, and more costly weapon systems. The zero defects program is the vehicle by which we can achieve this improvement—it crosses all functional areas—and, more importantly, it recognizes all individuals as vital elements in our mission effectiveness equation. It is the medium that speaks directly to all individuals involved in our efforts—whether they are clerks, engineers, managers, or scientists. Your enthusiastic support of, and participation in, this important program will substantially aid our combined endeavors to meet the exacting demands imposed upon us by the increasing challenges of our modern weapon systems. The payoff will be more efficient operations within the organization—a higher state of readiness within the Air Force—and a feeling of great satisfaction within each individual in knowing that their job was done well. In a short simple statement what we want you to do is this—identify yourself with improvement by participating in the zero defects program. I challenge you to prove to your Government and yourself that you are capable of doing better work.

On behalf of General Terhune, I want to thank you for attending the rally today—we hope you "got the message." I also want to publicly thank Governor Rhodes, Congressman LOVE, Mr. George Fouch, and Mr. Ed Woll for taking time out of their busy schedules to help us launch this program—your assist was A-OK in every respect. Thank you again.

Vice President Hubert Humphrey Addresses the Robert H. Goddard Memorial Dinner

EXTENSION OF REMARKS

OF

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 1965

Mr. TEAGUE of Texas. Mr. Speaker, our Vice President, as all of us know, serves as Chairman of the National Aeronautics and Space Council and on the occasion of the Robert H. Goddard Memorial Dinner last Saturday evening advised those in attendance exactly what kind of Chairman he proposed to be.

His appearance at Cape Kennedy this last Tuesday on the occasion of our successful Gemini shot was a great boost to the morale of those engaged in the program.

Under leave to extend my remarks in the RECORD, I include the text of the Vice President's remarks at the Goddard Memorial Dinner:

SPEECH BY VICE PRESIDENT HUBERT H. HUMPHREY, ROBERT H. GODDARD MEMORIAL DINNER, WASHINGTON, D.C., MARCH 19, 1965

As many of you know, just as soon as I became Vice President, my space problems started. First, there was my home. People said it was too small. But I refused to move.

Then there was my office. My former Senate colleagues, sentimental to the end, decided that my office as Vice President was too large. That time I moved—one of the rare occasions in American history when anyone expanded into smaller quarters.

Honestly, getting the Gemini into orbit is nothing compared to getting a Vice President settled down.

The President said, "HUBERT, you better forget about office space, and start worrying about outer space."

Many of you apparently have wondered precisely what kind of Chairman of the National Aeronautics and Space Council I will be.

That, at least, is the word I get along a nonelectronic grapevine.

Of course, there could be no more appropriate place than at this dinner honoring Robert Goddard, the father of our space program, for a new NASC Chairman to present his views.

We are all greatly in Dr. Goddard's debt. The way of space is the way of the pioneer—it is the way of the builder. And Robert Goddard was a pioneer and a builder—a true visionary.

Robert Goddard said, "Every vision is a joke until the first man accomplishes it." Well, we have seen some of the results of Robert Goddard's vision, and it is no longer a joke, but a magnificent reality.

Each of you has a longstanding, deep interest in this reality—in our national aeronautics and space programs.

President Lyndon Johnson, both as Senator and as Vice President, provided strong, persistent, and visionary leadership and support. He will continue to do so.

And I intend to continue, as best I can, that Lyndon Johnson tradition. That is the kind of chairman I hope to be.

I am an advocate of a dynamic space program—a program which will suceed in reaching the goals we have set—and one which will set new goals—one that can see beyond the moon and into fields where we can only speculate about the knowledge awaiting us.

And I can promise you this will not be an advocacy simply of formal duty and responsibility. What I have learned of our space and aeronautics programs has made me an enthusiastic advocate.

It has also made me an eager student. I don't expect to become an "instant expert," but I do intend to learn by study and asking many questions.

I want to know if we are going to reach the goals set for this program by President Johnson and by our late President John Kennedy. Or has there been slippage? If there has been, why did it happen?

Is there unnecessary duplication of space efforts? Or, is there inadequate teamwork and faulty interfacing of information between agencies and between Government and industry?

If we aren't doing what we should, I shall want to know why not. If the fault lies with an apathetic people forgetting the value of our space efforts. I will carry the message of the program to them.

If the fault rests with the Congress cutting back for cutting alone, I hope to be able to help there.

And if it appears that in government or in industry, there is weak administration, casual technology, sloppy or wasteful work, then together, all of us must act.

This is the kind of role I have tried to play during the 16 years I spent in the Senate working for good education—for better health and welfare programs—for urgently needed civil rights legislation. It is my role today as we work for the Great Society.

Let me assure you that the Great Society envisioned by President Lyndon Johnson is not one limited to the fight against poverty, ignorance, disease, and intolerance. The Great Society requires, in addition, an urgent quest for excellence, for intellectual attainment, for crossing new frontiers in science and technology.

Let me emphasize that an adequately funded, well-directed space program is an integral part of our Nation's commitment to its future, to its greatness.

As one who has been an advocate of domestic programs which do cost money and which are not yet finished—who knows that much remains to be done and knows how expensive it will be—I have been asked how strongly I support the space program which, according to some, will take billions of dollars away from other useful programs during the next decade.

This strong and prosperous economy permits us to do many things and to do them well. We can put a man on the moon at the same time as we help to put a man on his feet. We conquer outer space even as we conquer poverty.

I do not consider our domestic needs to be competitive with our space needs—any more than I consider them to be competitive with our national defense requirements. We can afford to do what is needed in space, in general welfare, and for our national defense.

Are we spending too much on space—and not enough on problems associated with our own planet? Both, it should be obvious, are bound together.

It is not a question of space or social welfare.

It is not the moon or medicare.

It is not Apollo or education.

It isn't Pegasus or poverty programs.

It isn't launch pads or highways.

We can and must do all these things. Our rich and dynamic Nation—growing richer every day—can afford all of these things. Our space dollars need not—and will not—deprive, starve or decimate any other useful programs.

One reason why I do support our space efforts strongly has to do with what might be called its social and economic spin-off. Let's just look at one domestic program—education.

The spin-off from the space program in education has been tremendous.

Since its beginnings in 1958, the space program has served as a spring tonic to the American education system. It has done this from the grade school through the postgraduate university.

It has challenged—and it will challenge increasingly—our finest and most creative minds to the solution of new, vital, and complex tasks.

The exploration of space represents the "frontier of our times" which either this country or another will explore.

Aside from the physical frontier of space, it also represents a frontier of technology and knowledge—an unending quest for new materials, improved techniques, more skilled scientists and engineers, better technicians and managers. Possibly the one most precious resource in this conquest is that of highly trained and dedicated people which it has attracted and developed.

And, our American schools have risen to the space challenge. In the grade schools and high schools, science courses have been modernized and new ones added. New textbooks have been written. Science teachers have been attending refresher courses to keep pace with rapid scientific advances.

The most gifted of our students are encouraged to expand their talents by means of scholarships and other assistance. Through the National Defense Education Act, which was passed in 1958, after Sputnik I, over 50,000 gifted science students have benefited from loans and fellowships.

NASA supports universities throughout the country in training space-oriented scientists and engineers; in building laboratories; in conducting space-aeronautics research.

Currently, almost 2,000 Ph. D.'s are in NASA-supported training at 131 colleges and universities. Soon these programs will exist in 142 institutions and cover every one of our 50 States. And consider the diffusion of knowledge resulting from such a program.

We are training advanced scholars in such diverse fields as astronomy, physics, metallurgy, and chemistry—to name just a few.

If the space program had no other side effect beyond what it has done for education in the United States, it would be worth it. But, obviously, education is not the only field where benefits can be measured.

Resources devoted to space progress create more resources for many, many other purposes. In medical research, in the biological sciences, in our earth sciences as well as in the life sciences, our space program has brought vast gain to our Nation and our people. It will continue to do so.

And our space programs have already demonstrated their usefulness in direct, practical, and peaceful ways. President Johnson reminded me recently of a speech he made about 2 years ago, indicating that the Weather Bureau predicts the following savings based on accurate weather prediction just 5 days in advance.

We will save $2½ billion a year in agriculture, $45 million in the lumber industry, $100 million in surface transportation; $75 million in retail marketing; and $3 billion in water resources management.

As the result of the competence of our weather satellites, we are already providing the nations of the world timely warnings on a global basis.

Certainly, too, we have much to gain from the accomplishments in communications.

Here again our system of private capital and Government-sponsored research has helped to tie the world community closer together through communications satellites.

And our space program has provided great stimulation to our economic and technological growth. After all, every dime of our space money is spent right here on earth. So far, there are no subcontractors on the moon.

The space program has meant profits, jobs, economic growth. In the last 6 months of 1964, the Department of Defense alone spent over $5 billion on missile and space systems and aircraft. DOD spent in contract awards for experimental, developmental, test and research work in missile space work almost $3 billion.

The space program has meant jobs too. As you know, there have been 300,000 men and women employed on the Apollo program alone.

It has infused our economy with new life. It has founded new research. It has developed hardware and constructed laboratories and other useful facilities.

And I want to underscore an undeniable fact of this infusion—the teamwork between our privately financed and privately run companies on the one hand and the Federal Government on the other is one of the major sources of strength of the whole national space program. In fact, it is basic to the strength of this great country.

By the year 2000 this country will be even greater—quantitatively as well as qualitatively. Our population will have doubled. I checked with the Census Bureau yesterday and they tell me there will be 361,947,000 people then—90 percent in cities, 40 percent along our seaboards.

And to meet the needs of that population, our country cannot stand still. Our economy—a continued and strengthened partnership economy—must not stand still. And if the economy must grow rapidly, our technology cannot pause or stop. We are still a developing Nation—our future is unlimited.

But, even if we could not tonight point to a single immediate dollar return from the space program, we must continue—for that is man's history, as well as our destiny.

The pace of scientific discovery has increased. Only 39 years ago this month, knowledge and intelligence conspired within an American pioneer named Robert Goddard and we had a liquid fuel rocket.

Suddenly, in these few short years, a man now moves at speeds 3,000 times faster than his own legs can carry him. And in Col. John Glenn who is here with us tonight, we have a man who has already done this.

Thus we have seen in our own lifetime the world move from horsepower in its literal sense to men thrust into orbit about the earth. Who wishes to stop there? Not America. Not its people or its President. Not any man or woman in this room.

As Chairman of the Space Council, I do not intend to oversee the slowing down of our pace. I do not intend to witness the diminishing of our efforts.

If we were the only nation engaged in a space program, it would still be in our best self-interest to increase our efforts.

But, of course, we are not the only nation exploring outer space. This week's news from the Soviet Union should emphasize what we have already known well. The Soviets are investing great energy, vast resources, and know-how with great success in their space program.

Our military security rests on the same advanced research and technology as the space program. If we ever face a major confrontation with our enemies—whoever they may be—it will be in terms of Winston Churchill's "wizard war."

If we are not strong in "wizard warfare," we are doomed.

Our national security alone would suggest reason enough for us to strive for absolute leadership in space exploration.

Wherever we stand, we cannot stand still.

Each time we pause, we have had a shock from the Soviet efforts in space—from sputnik in 1958 to the man in a spacesuit yesterday.

We can and do salute the Russian achievements. We can and do admire Russian science and technology. We can and do hope for totally peaceful uses of outer space. We can and do demonstrate our eagerness to cooperate with everyone in this quest.

But, we would be foolish if we did not understand the military implications of Soviet space science, as well as our own.

Each Russian shock has produced action here. But a mature nation should not need shock treatment. We are a peaceful nation; we are a peace-loving people; but we would ignore the real interests of the free world if we diminished our military efforts in space.

That is why, even today, four great companies in the United States are competing in the design for a manned orbiting laboratory.

And even as we explore every responsible avenue for peacemaking and peacekeeping, we must insure that our military space program receives its full measure of support.

Well, in the time I have been talking to you, John Glenn went a third of the way around the globe. I don't intend to keep you for a full orbit.

I simply want you all to know that I am determined to work hard on this space program—for its intrinsic value as an intellectual search, for its domestic value as an economic goad for growth, as a pervasive stimulus for excellence, and, finally, for its

importance to our military strength and the survival of free society.

Two years ago in a speech, I said, "This is a wonderful time in which to live. It challenges the best in us.

"It calls for doing the impossible—performing miracles. Mediocrity must give way to excellence; timidity to daring, fear to courage.

"We dream of sending a man to the moon in this decade. We know that dream will be fulfilled only with sacrifice, a commitment, a plan and a program."

I am delighted to have made my "maiden voyage" into outer space speeches among those of you who have indicated by your actions, your willingness to do the impossible—your commitment to excellence, daring, courage—to a plan and a program which will make America a great society in a great, and explored, universe.

The Case of Low Interest Rates Versus Viable Interest Rates

EXTENSION OF REMARKS

OF

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 1965

Mr. EVINS of Tennessee. Mr. Speaker, the issue of high interest rates versus low interest rates—easy money versus tight money—has provoked controversy since the founding of our Republic and is again in the foreground of public debate.

Two of our colleagues who are distinguished advocates of opposite viewpoints on this question are Representative WRIGHT PATMAN, chairman of the House Banking and Currency Committee and chairman of the Joint Economic Committee, and Representative THOMAS B. CURTIS, Republican of Missouri, a senior minority member of the Joint Economic Committee and a ranking Republican Member of the Committee on Ways and Means.

In recent articles written for the United Press International, Representative PATMAN and Representative CURTIS cogently present their respected views concerning this great economic controversy.

I believe their remarks would be of interest to the Members of Congress and others. Under unanimous consent I place the articles in the RECORD.

The articles follow:

THE CASE FOR LOW INTEREST RATES

(By Representative WRIGHT PATMAN, Democrat, of Texas)

America's public and private debt today adds up to the fantastic total of $1.3 trillion.

A raise of but one percentage point in interest charges on this incredible sum would add $13 billion a year to the already extravagant aggregate of more than $75 billion that Americans are now paying as interest.

Since Biblical days, interest charges—then called usury—have frequently meant woe for the borrower and joy for the lender. Governments have passed laws to protect the borrower from extortionate rates and inhuman foreclosures.

More than five centuries before Christ, the great Athenian lawmaker, Solon, forbade men being sold into slavery because of unpaid interest charges.

In the year 1545, England removed the prohibition on the lending of money and fixed a legal maximum interest rate. Many continental nations soon followed suit.

Today, it is imperative, as never before, that Americans center their attention on interest charges.

For many months, bankers have been propagandizing to raise the amount of interest Americans are taxed by the private lending institutions. There has been a concerted effort to raise interest rates and to get public acceptance by one pretext or another. This despite pleas from President Johnson to hold the rates down.

The mere fact that bank profits are higher than ever before in history has made no difference. Many independent bankers are willing to let well enough alone. But few dare openly buck the banking establishment which sets policy.

According to a bit of facetious testimony by John Galbraith, the great economist, before the Joint Economic Committee recently: "Interest rates are the only price that is never raised in order to give the recipient a greater return." They're always increased "as a somber act of national policy."

One day interest rates must go up because of inflationary threats; then, the excuse is unfavorable balance of payments. Last November 23, which I called the day of financial infamy, our Federal Reserve System raised our discount rate one-half percent when the British raised theirs 2 percent. The excuse offered was to keep our investors from sending their money overseas. The very next day, our Government put a billion dollars into a $3 billion fund to support the British pound. If ever a financial policy was working at cross purposes, this was it.

We still get a lot of chatter from the bankers' lobby about unfavorable balance of payments forcing interest rates up. Corporate investments abroad, vast defense expenditures and foreign aid are ignored as causes for our imbalance of payments. Only higher interest rates will correct the imbalance. To this we say "Hogwash."

Within a day of Galbraith's testimony, William McChesney Martin, Chairman of the Federal Reserve System, told the Joint Economic Committee that he thought it may be necessary to tighten credit and raise interest rates. When I asked him if he would agree to a 6-percent interest on Government bonds, he didn't bat an eye. Such a raise would lead to a national debt of $600 billion within 15 years, and mean that the American people would pay upward of $36 billion a year on the public debt.

As of now, they are paying $5.5 billion more than they should (over $11 billion instead of $5.5 billion), thanks to the precipitous increases brought about during the Dwight D. Eisenhower regime.

The tragedy of tight money and high interest rates is that ultimately they bring about economic disaster. In tandem they cause a slackening of our economic growth; the net result—more unemployment.

It would be perfectly absurd for America to pursue monetary policies that have invariably brought disaster in the past.

We had three manmade depressions under Eisenhower. President John F. Kennedy brought the United States out of the last of these in 1961, and there were no recessions during his administration. There is no need to have any under Lyndon Johnson.

To avert disaster, we need adequate credit for the small and large businessman, at reasonable interest charges.

We need a sound money policy so that the farmer won't be soaked on his mortgage, the new homeowner on his split level. Our school systems should not have to pay unconscionably high rates to private lenders.

Our municipalities are feeling the pinch of high interest rates, as are our county and State governments. Despite denials, interest charges are going up all along the line and money is harder to come by.

I never could understand why it was necessary for Uncle Sam to advance credit to private banking institutions which enables them to purchase Government securities at high interest rates. When interest on Government securities goes up, all types of borrowing costs more to the consumer. A raise of only 1 percent on a 20-year, $10,000 mortgage will cost the home purchaser an additional $2,000.

A raise of but a quarter of 1 percent on the national debt will cost all Americans more than $800 million a year additional.

I say it's time to reverse the trend. It's time for interest rates to come down and for money to be available to the legitimate borrower for legitimate business or personal reasons at fair rates. If bankers want to maintain a respectable public image, it would be wise for them to reconsider their drive for a pound of flesh.

THE CASE FOR VIABLE INTEREST RATES

(By Representative THOMAS B. CURTIS, Republican, Missouri)

Baron Rothschild, the great international banker, once observed that there were only three people who really understood the meaning of money and none of them had very much of it.

Money to people in developed economics is a medium of exchange. Yet there are millions of people throughout the world who are outside a money economy. When exchange of goods or services occurs in such countries, it is by barter. Unlike many other advanced economies at their present stage of development in the United States, money goes beyond present wealth to cover future earning power.

As the economy of a nation becomes more sophisticated, the problems involved in the power "to coin Money, regulate the Value thereof" become inextricably interwoven with the companion power "to borrow money on the credit of the United States." The quotes are from the U.S. Constitution.

In the United States, the problems involved in maintaining money as an accurate weight and measure for the marketplace exchange of services, goods, and savings became too cumbersome to handle through the routine congressional machinery. Accordingly, in 1913 the power to regulate the value of money (now including credit) was vested in a newly created arm of the Congress, the Federal Reserve System.

After World War II, the problems involved in borrowing money on the credit of the United States to finance the war were so great that large sums had to be sold directly to the Federal Reserve System. As a result, the value of money seriously deteriorated. In 1951 the Treasury Department, which is responsible for marketing the Federal debt, reached an accord with the Federal Reserve System which freed the Federal Reserve from the obligation to absorb additional bonds. This to some degree separated fiscal power from monetary power. The cost of using credit instead of money (borrowing) went up, and the value of money, as evidenced by the rising price level, ceased its rapid decline.

If someone else's money is used, there must be some motivation to that person to save (not spend) his money and invest (let someone else spend) his money at the risk of not getting it back.

The economic incentives to save and to risk savings are called interest, dividends and capital gains. The rate of return on money lent determines whether a person will save and at what risk he is willing to assume in lending his savings.

Government can alter the marketplace demand for and the price of credit by changing the value of money. It does this by creating more of it or withdrawing some of it, by its own borrowings or by directly lending money itself at certain rates.

The Federal Reserve System has considerable power to alter the market demand by creating both money and credit. The Treasury Department by itself or working through the Federal Reserve has power to alter the market demand through its management of the Federal debt.

However, there are two disciplines outside the Government which limit both monetary and fiscal policy:

1. The actual amount of savings in the society and the willingness to risk the savings in the economic climate prevailing.

2. The impact on our economy of economies abroad.

Both outside disciplines are strongly affected by the size of Government borrowings (the Federal debt). They also are affected by the amount of private borrowings against assets and future earning power, and the maintenance of money as a stable measure of the value of services, goods, and savings.

It is argued by some that easy credit and cheap money are necessary to promote maximum employment and economic growth. This is putting the effect in place of the cause. Maximum employment and economic growth will produce easy credit and cheap money but not vice versa. By trying to use the effect to produce the cause, we may damage both.

Maximum employment and economic growth are basically produced by intelligent spending. We must always be able to distinguish the real from the sham. The expenditure of the savings of people to create new wealth and to increase purchasing power is, of course, stimulated by consumer spending in the first place. However, if there is insufficient incentive to save and then to invest at a risk, the cycle is broken. Here is where the interference of Government to produce artificially low rates of return for investment or to produce cheaper money defeats its objectives.

Only by the exercise of self-discipline can we maintain correct monetary and fiscal policy. That discipline is to balance our Federal budget and our international payments over the life of the business cycle.

HOUSE OF REPRESENTATIVES

TUESDAY, MARCH 23, 1965

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., used this verse from Acts 15: 8: *And God, who knoweth the hearts, bare them witness, giving them the Holy Spirit, even as He did unto us.*

Let us pray:

O Thou Eternal Holy Spirit of the Triune God, who dwells with us, pervades us, and possesses us, may we be sensitive and responsive to the promptings and persuasions of Thy leading.

We penitently acknowledge that we need the interpreting light of Thy guidance and infallible wisdom for there are many difficult problems which tantalize and terrify us.

There are today strange and mysterious experiences that confront us which need our lofty social ideals and best efforts in order that justice and freedom and mercy may never perish from the earth.

Hear us in Christ's name. Amen.

THE JOURNAL

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 624. An act to amend title 18, United States Code, to make unlawful certain practices in connection with the placing of minor children for permanent free care or for adoption.

APPOINTMENT OF MEMBERS OF ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

The SPEAKER. Pursuant to the provisions of section 3, Public Law 86-380, the Chair appoints as members of the Advisory Commission on Intergovernmental Relations the following members on the part of the House: Mr. FOUNTAIN, of North Carolina; Mr. KEOGH, of New York; Mrs. DWYER, of New Jersey.

THE LATE HONORABLE EDWARD KEATING

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

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

There was no objection.

Mr. ASPINALL. Mr. Speaker, today it is the office of the present House delegation of Colorado to announce the passing of the late Edward Keating, one of our former Members who served the people of his State and Nation ably, fearlessly, and effectively in this body from March 4, 1913, until March 3, 1919.

Seldom is it given to an individual to live long enough to see the fruits of his labor evaluated by his fellow man. Few may ever know whether or not history places a sufficiently high regard upon their efforts to acknowledge them as something above the ordinary. Our late colleague was one of those who was favored with that rare privilege.

When he passed away at his home here in Washington, D.C., last Friday, he did so at almost the age of 90. History has recorded the value of his efforts, especially to that great segment of our free enterprise system—organized labor. He served labor during its days of turbulence and tranquillity. He took up the cause of labor when even the shedding of one's blood in its righteous defense was not an uncommon occurrence. He counseled in the chambers of labor for a forward and constructive approach to its problems. His understanding of the private enterprise system and labor's particular part in the wise operation of the system made him welcome at all tables and before all forums in which the cause of labor was discussed and pleaded.

His life was not an easy one. His early days were spent in what now might be termed as poverty, but was not recognized as such by him because of his industry and consuming desire to serve his family, his community, and his Nation. While he was able to thrust his head and shoulders above the level of ordinary accomplishment, during all this time he never forgot for one moment that he was one of those who was privileged to become an accepted leader.

He was born in Kansas, the last of nine children. His father, who was to live only 5 years after young Edward was born, fought to free Ireland from British misrule. Stephen Keating was such a patriot to his country that, when he fled to America in 1848, there was a price on his head. At 14, young Edward was working as a salesman or, in those days, a "butcher," in a passenger train between Denver and Aspen, Colo. A little later, he became an employee of the old Denver Republican as a copyholder in the proofroom and, at the same time, joined the International Typographical Union before he was old enough to vote. He advanced rapidly to the position of reporter and then shifted to the Rocky Mountain News in Denver. Before he was out of his teens, he was city editor, then managing editor, and a little later editor of this paper.

Although he held office in the city and county of Denver, the State of Colorado, and was later on a Member of this great body, he really never left the profession which he loved so dearly, that of the newspaper business.

He was a personal friend of then U.S. Senator Thomas Patterson, of Colorado, and later on, at the request of that great early leader of labor, Samuel Gompers, founder and longtime president of American Federation of Labor, Edward Keating became the assigned leader of the "labor bloc" in the House.

When he left Congress in 1919, he was appointed a member of the first commission to classify Government employees. Soon thereafter, he became the editor of Labor, a hard-hitting crusading paper that fought for the public interest as well as for the welfare of the workers. At its peak, this paper attained a circulation of over 800,000. When Edward Keating retired from the editorship of the paper, he was elected "editor-manager emeritus for life."

After his retirement, his interest never lagged in behalf of the laboring man. At a labor dinner honoring former Congressman Keating, president George M. Harrison, of the railway clerks, turned to Keating and said:

You have helped countless millions of men and women and children whom you have never seen. Through your efforts, little children today have more to eat, better homes, better clothing, better education, better medical care. * * * You have raised a monument in the form of this