SENATE

THURSDAY, JUNE 30, 1966

The Senate met at 12 o'clock meridian, and was called to order by the Acting President pro tempore (Mr. METCALF).

Rev. Edward B. Lewis, minister, Capitol Hill Methodist Church, Washington, D.C., offered the following prayer:

Dear God of creation, we see the greatness of nature even on this summer day. Yet, Thou art more than the natural. We know that through Thy power we feel the heat of the day, the coolness of the night, the electric power of the lightning, and the clash of the thunder. Greatest of all, we feel Thee walking in the silence and the coolness of the day saying to each of us personally, "Where art thou?" This experience is a spiritual experience which all of us need personally.

In world conflict, in our beloved Nation's life, in our personal, spiritual, mental and moral growth, Thou art asking us, "Where art thou?"

Be with the President, these Senators, and all leaders as mankind is asked this question. Save us, O God. Without the highest, we are lost. Send into our experience a peace where there is no peace. We pray in the name of Jesus, our Lord. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, June 29, 1966, was dispensed with.

REPORTS OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of June 29, 1966,

The following reports of a committee were submitted on June 29, 1966:

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, without amendment:

S. 3510. A bill to authorize the Secretary of the Interior to study the feasibility and desirability of a Connecticut River National Recreation Area, in the States of Connecticut, Massachusetts, Vermont, and New Hampshire, and for other purposes (Rept. No. 1345); and

H.R. 13417. An act to amend the act of October 4, 1961, to facilitate the efficient preservation and protection of certain lands in Prince Georges and Charles Counties, Md., and for other purposes (Rept. No. 1347).

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

S. 3423. A bill to provide for the establishment of the Wolf Trap Farm Park in Fairfax County, Va., and for other purposes (Rept. No. 1346).

ENROLLED BILLS AND JOINT RESOLUTION SIGNED DURING ADJOURNMENT

Under authority of the order of the Senate of June 29, 1966,

The ACTING PRESIDENT pro tempore announced that on June 29, 1966, the Vice President had signed the following enrolled bills and joint resolution, which had previously been signed by the Speaker of the House of Representatives:

H.R. 1240. An act for the relief of Harry C. Engle;

H.R. 3788. An act to revive and reenact as amended the act entitled "An act creating the City of Clinton Bridge Commission and authorizing said commission and its successors to acquire by purchase or condemnation and to construct, maintain, and operate a bridge or bridges across the Mississippi River at or near Clinton, Iowa, and at or near Fulton, Ill.," approved December 21, 1944;

H.R. 3976. An act to amend the act of July 26, 1956, to authorize the Muscatine Bridge Commission to construct, maintain, and operate a bridge across the Mississippi River at or near the city of Muscatine, Iowa, and the town of Drury, Ill.;

H.R. 5204. An act for the relief of Joseph K. Bellek;

H.R. 6590. An act for the relief of Arthur Hill;

H.R. 8793. An act for the relief of Eugene J. Bennett;

H.R. 9302. An act for the relief of Lt. Charles W. Pittman, Jr., U.S. Navy;

H.R. 10994. An act for the relief of Charles T. Davis, Jr., Sallie M. Davis, and Nora D. White;

H.R. 12232. An act to amend title I of the United States Code to provide for the admissibility in evidence of the slip laws and the Treaties and Other International Acts Series, and for other purposes;

H.R. 14025. An act to extend the Defense Production Act of 1940, and for other purposes: and

H.J. Res. 1180. Joint resolution making continuing appropriations for the fiscal year 1967, and for other purposes.

REPORT OF OFFICE OF ALIEN PROPERTY—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate a message from the President of the United States on the Office of Alien Property, received during the recess under the previous order.

Without objection, the message will be printed in the RECORD without being read, and will be appropriately referred.

The message, together with the accompanying report, was referred to the Committee on the Judiciary.

The message from the President is as follows:

To the Congress of the United States:

I am pleased to transmit the annual report of the Office of Alien Property for fiscal year 1965 as required by section 6 of the Trading With the Enemy Act. It is the 23d report of proceedings under that act.

As this report indicates, we have reached the end of a very long road. After June 30, 1966, for the first time in 49 years, there will be no Government unit whose sole task will be the processing of alien property matters arising from the wartime seizure of property. Some alien property work remains which cannot be completed by June 30, 1966, principally because it is affected by litigation or proposed legislation. These remaining matters will be completed in the future by the part-time work of personnel of the Civil Division of the Department of Justice. But this does not detract from the fact that as of April 30, 1966, the staff which has completed the processing of about $900 million in vested property will have closed all but about 50 of the more than 67,500 claims which were filed, all but about 450 of approximately 62,000 accounts, and it will have pending only about 30 of the more than 7,000 cases which it has litigated.

The imminent closing of the Office of Alien Property is another step in our determination to find the most efficient way to serve the American public. In the War Claims Act of 1948, as amended, Congress has authorized thousands of American citizens to file claims against the net proceeds of vested property which are maintained in the war claims fund. Since the costs of the Office of Alien Property are deducted from the proceeds of vested property, closing the Office will soon mean the end of deductions of its administrative costs, thereby leaving more funds for the claimants to share. And the public generally will benefit by the absorption into other necessary work of the mere handful of knowledgeable and dedicated employees who have brought this fruitful work virtually to its close.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *June 29, 1966.*

REPORT ON FOOD FOR PEACE PROGRAM—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 457)

The ACTING PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Agriculture and Forestry:

To the Congress of the United States:

The United States in 1965 shipped $1.4 billion of food and fiber overseas under our food-for-peace program. This brings to $14.6 billion our food aid effort since the enactment of Public Law 480, the Agricultural Trade Development and Assistance Act of 1954.

Food for peace moved into its second decade continuing food aid programs that had proved so beneficial in the past, initiating imaginative new approaches to spur self-help, and facing an array of difficult challenges. The increasing pressure of world population growth was the most disturbing indicator in a year otherwise highlighted with promise in the war against hunger and malnutrition. Population growth of 2 percent a year—increasing to 3 percent in some of the underdeveloped countries—made it difficult to increase per capita food consumption. There was more food grown in 1965 than in 1964. But there were 64 million more mouths to feed.

In simplest terms, the task of bringing food and population into balance—while

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maintaining progress in health, education, and economic growth—is the most critical challenge many countries are facing today. It will probably remain their most urgent challenge in the immediate years ahead. The world's capacity to respond will dramatically affect the course which individuals and nations choose in confronting their problems and their neighbors in coming generations.

This is a world problem. The stakes are too large, the issues too complicated and too interbound with custom and commerce, to leave the entire solution to those countries that have supplied, or received, the most food assistance during the postwar era. The experience, the ideas, the skills, and the resources of every nation that would avoid calamity must be significantly brought to bear on the problem.

The U.S. Congress recognizes the moral and practical implications of hunger and malnutrition. Over the years its Members have taken the lead in developing programs to prevent famine and to improve diets. The basic instrument Congress has used for this effort has been Public Law 480—the authorizing legislation for the food-for-peace program.

It is not easy to measure the achievements of a program with such multiple objectives as food for peace—aiding the needy, assisting economic development, supporting U.S. foreign policy, increasing trade, bolstering American agriculture. Yet as we look back on more than a decade of effort, the accomplishments are remarkable by any test.

Hundreds of millions of people have directly benefited from American foods. The lives which otherwise might have been lost—the grief which otherwise might have occurred—could have dwarfed the total casualties of all the wars during the period. I tend to think historians of future generations may well look back on this expression of America's compassion as a milestone in man's concern for his fellow men.

Food for peace, however, is aimed at more than individual survival—and individual growth. It is directed toward national survival—and national growth. Public Law 480 has been an important resource in the growth process. With the day-to-day difficulties which countries face, we sometimes fail to recognize how far many of the nations we have aided have come in their development effort. An analysis of food-for-peace programing—which constitutes more than a third of our total economic assistance effort—is a good yardstick to measure such achievement. Frequently a country's development is directly reflected in its graduation from being a recipient of heavily subsidized food aid.

Consider, for example, the countries receiving our food and fiber for local currency in the first full year of operation a decade ago. There were 27 of them in mid-1956. Today, more than half have reached a point of economic development where they no longer require such aid. This group which had graduated from title I programs, last year purchased more than $2 billion in agricultural commodities through commercial channels. This is more than triple their combined dollar purchase of a decade ago. Even excluding Britain, France, and West Germany—today's big dollar customers who purchased only small amounts under Public Law 480, and left the program early—the gains are still impressive. Dollar sales of U.S. farm products to the other title I graduates were well over a billion dollars last year—more than four times the amount in 1956.

Growing economic strength is also evident in that group of 13 countries receiving title I food a decade ago which continued to buy U.S. farm commodities for local currency in fiscal year 1965. They still face economic difficulties, but together these nations have more than doubled their dollar agricultural purchases from the United States over the 10-year period.

Global generalizations are difficult. But the broad pattern clearly shows substantial progress.

Indeed, the problems today are in many ways more serious than those facing the Congress when it enacted this law. The critical food shortage in India, though aggravated by drought, should be read as a warning that a crisis in food and population trends is already at the world's doorstep. The food-for-freedom legislation which I have proposed to Congress faces up to these problems. It takes into account the experience and lessons of Public Law 480, along with the changing conditions in food needs and supplies. It recognizes that the program will be judged in the long run by its success in encouraging self-help programs and attitudes in the recipient countries.

We have progressed a great deal during the past decade. We now know that food assistance can—

Make an important contribution to economic development.

Serve the highest objectives of U.S. foreign policy.

Help American agriculture.

Strengthen the habit of international cooperation.

Help to dispel Malthusian fears which have historically haunted mankind.

By any standards, this Nation can be proud of its food-for-peace program. It gives me pleasure to submit to the Congress the annual report on the 1965 activities carried on under Public Law 480, 83d Congress, as amended.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *June 30, 1966.*

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Jones, one of his secretaries, and he announced that on June 29, 1966, the President had approved and signed the following acts:

S. 1495. An act to permit variation of the 40-hour workweek of Federal employees for educational purposes;

S. 2142. An act to simplify the admeasurement of small vessels; and

S. 2307. An act for the relief of certain civilian employees and former civilian employees of region 1 of the Bureau of Reclamation.

REMOVAL OF INJUNCTION OF SECRECY FROM FIVE TREATIES

Mr. MANSFIELD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaties:

Executive J, 89th Congress, 2d session, the customs convention on containers;

Executive K, 89th Congress, 2d session, the customs convention on the temporary importation of professional equipment;

Executive L, 89th Congress, 2d session, the customs convention on the A.T.A. carnet for the temporary admission of goods;

Executive M, 89th Congress, 2d session, the customs convention regarding E.C.S. carnets for commercial supplies; and

Executive N, 89th Congress, 2d session, the customs convention on the international transport of goods under cover of T.I.R. carnets.

I ask that the conventions, together with the President's messages, be referred to the Committee on Foreign Relations, and that the President's message be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The messages from the President are as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to accession, I transmit herewith a copy of the customs convention on containers, together with the protocol of signature which forms an integral part thereof, done at Geneva on May 18, 1956. The convention entered into force on August 4, 1959. Though the convention is no longer open for signature, the United States may become a party by accession.

I transmit also, for the information of the Senate, the report of the Secretary of State with respect to the convention.

The object of the convention is to provide for temporary duty-free entry of containers such as lift vans, movable tanks, or other similar structures.

Because of the recent increase in shipment of goods in containers, this convention is of importance to various business groups in the United States and particularly to members of the transportation industry who engage in container traffic. The coming into force of this convention will aid the American export drive, and I recommend that the convention be given favorable consideration by the Senate.

LYNDON B. JOHNSON.

Enclosures:

1. Report of the Secretary of State.
2. Copy of convention.

THE WHITE HOUSE, *June 30, 1966.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to accession, I transmit herewith a copy of each of the following conventions:

First, customs convention on the temporary importation of professional equipment, done at Brussels on June 8, 1961;

Second, customs convention on the A.T.A. carnet for the temporary admis-

sion of goods, done at Brussels on December 6, 1961;

Third, customs convention regarding E.C.S. carnets for commercial samples, with protocol of signature, done at Brussels on March 1, 1956, as amended by the recommendation of the Customs Cooperation Council, dated June 15, 1960; and

Fourth, customs convention on the international transport of goods under cover of T.I.R. carnets, with protocol of signature, done at Geneva on January 15, 1959, and modification of article 5 of annex 3, which modification entered into force on November 19, 1963.

I transmit also, for the information of the Senate, the report of the Secretary of State with respect to the conventions.

The convention on professional equipment will facilitate the conduct of various business and professional activities by nationals of one country within other countries by providing for the temporary duty-free entry of equipment which ranges from a businessman's typewriter to equipment for sound or television broadcasting, cinematographic equipment, and scientific equipment of various types.

The object of the other three conventions is to expedite customs clearance of certain goods by establishing a system for importation of the goods under cover of an international customs document, known as a carnet, and for guarantee of payment of duties and other charges by private associations such as chambers of commerce. The carnet system will apply to professional equipment such as mentioned above, commercial samples and advertising material, and goods in containers such as lift vans, as well as certain other goods.

These conventions are of importance to various business and professional groups in the United States and are of special importance to those Americans engaged in business in foreign countries. The coming into force of these conventions will aid the American export drive, and I recommend that the conventions be given favorable consideration by the Senate.

LYNDON B. JOHNSON.

Enclosures:
1. Report of the Secretary of State.
2. Copies of conventions as listed.

THE WHITE HOUSE, *June 30, 1966.*

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced the House had passed, without amendment, the following bill and joint resolution of the Senate:

S. 2266. An act to authorize the Attorney General to transfer to the Smithsonian Institution title to certain objects of art; and

S.J. Res. 162. Joint resolution to establish the American Revolution Bicentennial Commission, and for other purposes.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution:

S. 2266. An act to authorize the Attorney General to transfer to the Smithsonian Institution title to certain objects of art;

S. 2999. An act to amend section 6 of the Southern Nevada Project Act (act of October 22, 1965; 79 Stat. 1068);

H.R. 1535. An act to amend the Classification Act of 1949 to authorize the establishment of hazardous duty pay in certain cases;

H.R. 2035. An act to provide for cost-of-living adjustments in star route contract prices;

H.R. 6125. An act to amend Public Law 722 of the 79th Congress and Public Law 85-935, relating to the National Air Museum of the Smithsonian Institution;

H.R. 7423. An act to permit certain transfers of Post Office Department appropriations;

H.R. 13125. An act to amend the provisions of title III of the Federal Civil Defense Act of 1950, as amended;

H.R. 14050. An act to extend and amend the Library Services and Construction Act; and

S.J. Res. 162. Joint resolution to establish the American Revolution Bicentennial Commission, and for other purposes.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The ACTING PRESIDENT pro tempore announced that on today, June 30, 1966, he signed the following enrolled bill and joint resolution, which had previously been signed by the Speaker of the House of Representatives:

H.R. 13125. An act to amend the provisions of title III of the Federal Civil Defense Act of 1950, as amended; and

S.J. Res. 162. Joint resolution to establish the American Revolution Bicentennial Commission, and for other purposes.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

AMENDMENT OF FEDERAL AVIATION ACT OF 1958, TO AUTHORIZE AIRCRAFT NOISE ABATEMENT REGULATION

A letter from the Administrator, Federal Aviation Agency, Washington, D.C., transmitting a draft of proposed legislation to amend the Federal Aviation Act of 1958 to authorize aircraft noise abatement regulation, and for other purposes (with an accompanying paper); to the Committee on Commerce.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a confidential report on review of certain aspects of the supply and maintenance provided Honest John missile battalions in Korea (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 review of selection and use of training facilities in Chicago, Ill., for manpower training authorized by the Manpower Development and Training Act of 1962, Department of Labor and Department of Health, Education, and Welfare, dated June 1966 (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 savings that can be attained by rebuilding used motor vehicle tires, Department of the Air Force, dated June 1966 (with an accompanying report); to the Committee on Government Operations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIBLE; from the Committee on the District of Columbia, without amendment:

H.J. Res. 1178. Joint resolution to authorize the Commissioners of the District of Columbia to promulgate special regulations for the period of 93d annual session of the Imperial Council, Ancient Arabic Order of the Nobles of the Mystic Shrine for North America, to be held in Washington, District of Columbia, in July 1967, to authorize the granting of certain permits to Imperial Shrine Convention, 1967, Inc., on the occasions of such sessions, and for other purposes (Rept. No. 1353).

By Mr. MORSE, from the Committee on the District of Columbia, without amendment:

S. 1312. A bill to amend the District of Columbia Public School Food Services Act (Rept. No. 1352).

By Mr. MORSE, from the Committee on the District of Columbia, with an amendment:

S. 2060. A bill to amend the act entitled "An Act to provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes," approved February 4, 1925 (Rept. No. 1351).

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 9599. An act to authorize the Secretary of the Interior to accept the donation of the State of Indiana of the George Rogers Clark Memorial for establishment as the George Rogers Clark National Historical Park, and for other purposes (Rept. No. 1354).

By Mr. McCLELLAN, from the Committee on Government Operations, without amendment:

S. 2610. A bill to amend section 201(c) of the Federal Property Administrative Services Act of 1949 to permit further Federal use and donation of exchange sale property (Rept. No. 1356); and

H.R. 10607. An act to amend the Administrative Expenses Act of 1946 to provide for reimbursement of certain moving expenses of employees, and to authorize payment of expenses for storage of household goods and personal effects of employees assigned to isolated duty stations within the continental United States (Rept. No. 1357).

COMMITTEE MEETINGS DURING SENATE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, all committees were authorized to meet during the session of the Senate today.

LIMITATION ON STATEMENTS DURING THE 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.

REPORT ENTITLED "DIVERSION OF UNION WELFARE-PENSION FUNDS OF ALLIED TRADES COUNCIL AND TEAMSTERS LOCAL 815" (S. REPT. NO. 1348)

Mr. McCLELLAN. Mr. President, on behalf of the Senate Committee on Government Operations, I submit a report of its Permanent Subcommittee on Investigations, entitled "Diversion of Union Welfare-Pension Funds of Allied Trades Council and Teamsters Local 815."

This report covers a series of hearings conducted during 1965 on the diversion of approximately $4 million from the welfare funds of two labor unions in the New York area. The hearings disclosed that the funds had been channeled to so-called research foundations—one chartered in Liberia and the other in Puerto Rico, which had been founded by and were under the dominance of George Barasch, formerly the principal officer in both unions.

Testimony established that George Barasch and his brother-in-law, Samuel LaMar, were the sole members of the Puerto Rican corporation, with the power under its charter to dissolve the foundation and distribute the assets as they pleased. The charter of the Liberian corporation provided them and a third member, Frank Lasky, with the same authority to disburse or distribute the assets in any fashion they chose. LaMar was the head of the Allied Trades Council and Lasky was a principal officer of Teamsters Local 815. Barasch also established a third, smaller foundation in Puerto Rico, over which he and his brother-in-law had full control. The assets of all three foundations ultimately reached $4,200,000.

George Barasch and his subordinates all invoked the fifth amendment to the Constitution in declining to testify about the manipulation of the funds, but other witnesses were able to furnish documented details of the adroit scheme by which the assets of the welfare funds were diverted from their proper purpose of providing benefits for the rank-and-file membership of the unions. Testimony by officials of the Department of Justice and Labor shows that Barasch and his underlings were able to deplete the trust funds for which they were fiduciaries with apparent impunity under existing laws.

The subcommittee finds in this report that Barasch and his associates callously subordinated their responsibilities as union officials to their own interests and failed in their duties as fiduciaries of the trust funds in their keeping. Their complicated scheme, fully described in the report, was facilitated by the union members' indifference to Barasch's domination of their affairs, by his control of all officers and executive board members of the unions, and by the subservience and lack of interest upon the part of the management trustees of the funds. These employers' representatives stated that they generally acted by direction of George Barasch, and their testimony shows that they either did not know or were not concerned about the manipulations of the welfare funds of the unions

Shortly after the close of the hearings, Mr. President, the general counsel of the subcommittee, Jerome S. Adlerman, initiated negotiations for the immediate return of the diverted funds to the joint welfare funds of the Allied Trades Council and Teamsters Local 815, where the money could be employed properly to furnish benefits for the participants and beneficiaries of the welfare fund. The steps taken by Mr. Adlerman were quickly successful, and the attorneys for Barasch and his associates stated that their clients were willing to return all of the funds in the overseas foundations forthwith.

At that point, however, the New York State Insurance Department asked for a delay in the restoration of the funds in order to review the record of the case developed by the subcommittee for the purpose of determining whether any New York statutes had been violated.

We agreed to their request, and the return of the funds was postponed for some 10 months, while we awaited the outcome of the New York State investigation. The filing of this report was also delayed for a commensurate period of time for the same reason.

Finally, agreement was reached, as I reported to the Senate on June 2, 1966. All of the diverted funds, totaling $4,200,000 have been returned to the allied welfare fund, to be used for specific benefits for the participants and beneficiaries of the fund. George Barasch has resigned from his lifetime trusteeship in the welfare and pension funds of the two unions. The overseas foundations formed by Barasch have been dissolved.

Mr. President, these direct results of the subcommittee's investigation and hearings on this matter are gratifying to us all and should prove to be highly beneficial to the rank-and-file members of the unions.

The members of the subcommittee, however, express in this report their hope that other long-lasting and important results will emanate from our study of the welfare and pension fund field. I refer to the recommendations of this report which urge the Congress to consider certain legislative proposals that we unanimously believe are needed. Because the testimony in our hearings showed so clearly that existing laws do not adequately safeguard the rights of the participants and beneficiaries of such plans, the subcommittee believes that it is incumbent upon the Congress to revise and strengthen the Welfare and Pension Plans Disclosure Act.

Legislation has been proposed to achieve the desirable goals recommended in this report. I introduced a bill (S. 2627) to amend the Welfare and Pension Plans Disclosure Act, and it includes all of the subcommittee's legislative recommendations contained in this report. That measure, cosponsored by seven of the eight other subcommittee members, has been referred to the Committee on Labor and Public Welfare. It would provide additional protection for the interests of participants in and beneficiaries of employee benefit plans through the following broad provisions:

First, by providing minimum standards and requirements for the administration and disbursement of employee benefit trust funds;

Second, by establishing minimum standards of conduct, responsibility, and obligation for all fiduciaries of such funds;

Third, by providing appropriate sanctions and penalties for violations;

Fourth, by providing for the recovery of losses suffered by trust funds through such violations.

The bill parallels the recommendations of this report by proposing specific restrictions, prohibitions and corrective measures to assure the effectiveness of the broad provisions listed above.

As the report indicates, Mr. President, the benefit plans that provide welfare and pension payments to American workers are a major factor in the national economy. There are currently about 167,600 plans registered with the Department of Labor. It is estimated that by 1980, pension plans alone will hold $225 billion in total reserves and will cover at least 42 million individuals. The benefits will be increasingly important to the basic security of their participants. The laws that govern them must be adequate to protect and preserve them, and to provide the basic standards that are sorely needed to put an end to the abuses and improprieties such as those examined in this report. The subcommittee's recommendations in this report, as contained in S. 2627, should serve as a good foundation for the new legislation that is sorely needed.

The PRESIDING OFFICER (Mr. CANNON in the chair). The report will be received and printed, as requested by the Senator from Arkansas.

Mr. MUNDT. Mr. President, as the ranking Republican member of the Permanent Subcommittee on Investigations of the Senate Committee on Government Operations, I wish to associate myself with the remarks just made by our distinguished chairman, Senator JOHN L. McCLELLAN, in the course of his submitting the first report of our subcommittee concerning our investigation into the misuse and abuse of union welfare and pension fund plans.

On last October 12, 1965, our able chairman introduced a bill, S. 2627, 89th Congress, 1st session, which was the outgrowth of last year's hearings, and which was designed to amend the Welfare and Pension Plans Disclosure Act for the purpose of providing additional protection for the interests of participants in, and beneficiaries of, employee welfare and pension benefit plans. As has been said here today, this bill was cosponsored by eight of the nine members of the subcommittee. The need and concern for some sort of corrective legislation is apparent.

It will be recalled the hearings revealed that a person by the name of George Barasch, and his confidants, were able to divert some $4 million of welfare and pension funds belonging to unions that they controlled for disposition to investment funds overseas, ostensibly for "edu-

cational and charitable purposes" but, for all intents and purposes still under the control of "George Barasch and company." The only steps that did not occur were the physical transfer of the money and the conversion to Barasch's own use to put the matter "on all fours" as falling squarely within our general embezzlement statutes.

Let me explain, briefly, the actual manipulations of George Barasch and Associates.

ALLIED TRADES COUNCIL

As our hearings and reports indicate, Mr. Barasch of 107 Colonial Parkway, Yonkers, N.Y., has been active in labor affairs in the New York-New Jersey area since 1937. On January 1, 1947, he organized one of the two main unions involved in our inquiry when he formed the Allied Trades Council with offices in Fairlawn, N.J. This council was actually made up of small locals in the retail clerks, leatherworkers, cosmetic-workers, and grocerworkers unions in New York and New Jersey. Barasch then successfully sought an alliance with the International Leather Goods, Plastic, and Novelty Workers Union, which gave status to the Allied Trades Council by allowing it to designate itself as an AFL union. However, Barasch managed to maintain a complete autonomy in all other respects for his council. The membership grew, in the course of the following 5-or-so years to approximately 10,000 employees.

On September 27, 1949, the Allied Trades Council established a trust fund called the Allied Trades Council welfare fund to provide health and welfare benefits, based upon a fixed per capita contribution per collective bargaining agreement with the various firms utilizing such multiple unions' employees. No management trustee was appointed—although there should have been because of the Labor-Management Relations Act of 1947—and George Barasch was irrevocably appointed a trustee thereof for life.

By the time the foregoing fund had grown to approximately $2 million, the council's executive board, Barasch participating, executed a second trust indenture whereby similar benefits were set up for the same union members comprising the Allied Trades Council but this time under the name of the Allied welfare fund. At this point, the contributing firms were informed that they would henceforth make their health and welfare payments to this second, Allied welfare fund. The record of the hearings indicated that this change was regarded by management simply as a change in the name of the fund—a mere change in the bookkeeping entries. However, Mr Barasch failed to transfer the approximate amount of $2 million in the first fund to the second fund. Instead, on December 26, 1956, he created a third fund called the chemical research fund whose trust indenture indicated that it was established ostensibly for "educational and charitable purposes." Barasch was appointed senior trustee, irrevocably for life, and his brother-in-law, Samuel Lamar, was appointed junior trustee for a 5-year period with his successor to be appointed—by Barasch. In March and April of 1957 Barasch transferred the bulk of the $2 million from the first, dormant, account to this third fund.

Thereafter, on March 14, 1958, Barasch manipulated the council's executive board into amending the chemical research fund's trust indenture so as to authorize the trustees—Barasch and brother-in-law Lamar—to transfer these funds to any foreign corporation organized for similar "educational and charitable purposes." Interestingly enough, 11 days prior to this on March 3, 1958, a corporation was formed in the Republic of Liberia called the Chemical Research Foundation, Inc., which was organized by three Liberian citizens but whom were soon replaced by Barasch, Lamar, and another Barasch confidant by the name of Frank Lasky as the only officers of this new research foundation. It is significant to note that while this newest organization was a not-for-profit corporation, the laws of the Republic of Liberia provided that the certificate of incorporation might be amended at any time by the members of the corporation including the provision that, upon dissolution of the corporation, the assets could be distributed by the unanimous consent of the members—which meant Barasch, Lamar, and Lasky.

It should be noted that the record of our hearings indicated that on December 31, 1964, the total assets of this foundation which were, in one manner or another, in the absolute control of Barasch, Lamar, and Lasky were $2,012,445. The banks of Switzerland were not far away and, in fact, some $136,000 of the foundation money already was in a Swiss bank account. It should also be noted that the amount of "educational and charitable" grants actually doled out by this same date was a mere $54,100—of which $53,600 was contributed to the New York Cardiac Center in Barasch's hometown of Yonkers, N.Y., and which was authorized on August 1, 1963, only a few days after Barasch had been served a subpena through the U.S. attorney's office for the southern district of New York for the production of the books and records of the same Chemical Research Foundation, Inc.

LOCAL 815, INTERNATIONAL BROTHERHOOD OF TEAMSTERS

In essentially the same manner, Barasch managed to maneuver another $2.2 million of employer contributions to another "educational and charitable" foundation under his control, this time in Puerto Rico. This was done through the establishment of Local 815 of the International Brotherhood of Teamsters, which reputedly resulted because of organizational jurisdictional problems between the Teamsters and the earlier Allied Trades Council. Apparently, Barasch believed in the motto, "If you can't lick 'em" and, as a result, some 8,500 of the earlier-mentioned 10,000 members of the Allied Trades Council were transferred to the roles of Local 815 after that charter was obtained in 1952, although nothing really changed as concerned the role of George Barasch.

The Puerto Rican "educational and charitable" fund, which resulted after fund transfers similar to those described earlier in regard to the Allied Trades Council, was known as the Cromwell Research Foundation, Inc. It was formed on March 16, 1959, by three office clerks of the Allied Trades Council which continued to locate at the same address and in the same building as local 815. Needless to say, these clerks resigned at the first meeting of this corporation and were succeeded by some old familiar faces—Barasch and Brother-in-law Lamar. The same pattern of distributing the assets to the members in the event of the dissolution of the corporation was prevalent here as with the earlier Liberian foundation. And, significantly enough, the only sizable grant through December 31, 1964, was made in July of 1963 in the amount of $100,000 to a parochial school in Brooklyn, N.Y.. after Barasch had again been served a subpena for the production of the Cromwell books and records by the same U.S. attorney.

As an offshoot to the Cromwell Research Foundation, Inc. on October 28, 1957, Barasch formed a "research and educational" foundation in Puerto Rico again, this one known as the Caribbean Educational Association. This foundation had $91,000 in cash as its principal assets at the end of 1964 with very few entries in its account. This amount practically matched the $100,000 from the Allied Trades Council lineal pattern that ended up in a Swiss bank, and one cannot help but wonder what Barasch had in mind with the set-aside of practically $200,000.

It should also be noted that, as to these two Puerto Rican and the one Liberian corporations, they were all allegedly nonprofit in makeup, there were no requirements for the filing of periodic reports, nor the payment of local taxes.

While I realize that the foregoing may well have been somewhat of an oversimplification of the complicated maneuvers of Mr. Barasch—particularly as to the technical terms of the various trust indentures, the apparent acquiesence of the various management trustees, and the manner of the approval of Barasch's actions by the various executive boards of the two main unions—nevertheless I believe it paints a clear picture as to what George Barasch had in mind to do, ultimately, with the $4 million.

CHURCHILL ASSOCIATES

George Barasch apparently grew weary of his association with organized labor because, although he did not actually resign from his positions as president of the Allied Trades Council and secretary-treasurer of Local 815, Teamsters, nevertheless he started to plan for the day when he could have his own business when he and brother-in-law Lamar formed the Churchill Associates on September 12, 1958.

This nonprofit New Jersey corporation was very similar in makeup to the educational and charitable foundations that we have earlier observed as to its broad terms, easy dissolution, and member-distribution of corporate assets. Its

activities were equally of interest. Prior to its formation, the administration of the two main welfare and pension plans was performed by a small clerical staff at the Fairlawn, N.J., office. It was a relatively simple function and at a relatively reasonable cost. When Churchill Associates came into existence, it took over this same task, in the same building, performing the same functions in the same manner. Now, however, Churchill Associates received a few of 10 percent of the annual income of the Allied Trades Council's fund, and 9 percent of the yearly income of Local 815, Teamsters. In this manner, Churchill received $338,427 in fees for some $120,030 that it disbursed to eligible recipients. This amounted to a service charge of almost $3 for every $1 expended.

The rate of growth of Churchill Associates was understandably sensational, and the total net profit, after taxes, during the aforementioned 5-year period was $208,371. Additionally, some $286,-144 was made through profitable speculations in the stock market. This was not an especially complicated transaction, as Barasch simply "borrowed" $1.5 million from these operations with little or no liability attaching to anyone if he encountered a stock failure. And then, when the money was made, it went into the coffers of Churchill Associates—not to the rank-and-file employees whose borrowed money it really was. And the subject of a conflict of interest apparently was of no concern to Barasch.

When Barasch became a business executive in this manner, his initial salary with Churchill Associates was $500 per week. This was increased to $700 per week on October 9, 1964. In addition to a Christmas bonus of $600 he received $100 per week for expenses. The latter occurred at all times, even for a period before he joined Churchill and was still an official with the two unions.

RETIREMENT PLANS

Barasch did not stop at this point. He seemingly displayed a greater interest in his own welfare than that of the 10,000 union employees whom he supposedly has represented. He managed to set up an annual retirement annuity for himself of $54,000 which he was eligible to receive in late 1965 when he would be 55 years of age. This was accomplished by manuevering some $350,000 from the Allied Trades Council into a separate pension fund for its new officers and clerical employees. Also, he isolated some $850,000 out of local 815's treasury into a pension fund for its officers and the officers of Churchill Associates. This amounted to approximately $48,000 annually. In addition, he managed to become eligible for a third pension, through the Teamsters' Joint Council 16, and for a fourth pension from the International Brotherhood of Teamsters, the two totaling some $5,600.

This annual amount of $54,000 amounts to approximately $800,000 as a lump-sum equivalent, is considerably higher than a high-level Government employee or flag officer in our armed services received in retirement, and in fact is twice as much as the retirement benefits that we presently provide for the President of the United States.

FIFTH AMENDMENT

As the subcommittee report indicates, George Barasch, brother-in-law Samuel Lamar, confidant Frank Lasky, and other involved union officials chose to invoke the fifth amendment to the Constitution relating to self-incrimination to questions posed by Chairman McCLELLAN and others at the time of our hearings.

While this is not surprising, as other witnesses—from labor officials in the days of our Senate Labor Rackets Committee hearings of a few years ago to bankers, in our federally insured banking hearings of a year ago—have done similarly, particularly when the question of having violated a fiduciary relationship with those from whom a position of trust has been extended, it is interesting to note that Mr. Morris Shey, a certified public accountant in the State of New York, who was at one time a management trustee in the Local 815, Teamsters chain of events, and who has recently been serving as Barasch's own accountant, would likewise invoke the self-incrimination privilege.

RETURN OF FUNDS

I note, with a great deal of satisfaction, that the report indicates a concentrated effort has been made by the general council of the subcommittee and representatives of the U.S. Departments of Labor, Justice, and the Treasury, the State of New Jersey and the New York State Insurance Department in repeated conferences with the attorneys for George Barasch to attempt to work out a solution for the return of these funds. I note, too, that it finally has been agreed that the $4,200,000 will be returned to a fund entitled the Allied Welfare Fund, which I understand to be a joint welfare fund for the two main unions that we have discussed here. I understand, too, that the overseas corporations will be dissolved, that George Barasch has resigned as trustee, and that the trust agreements have been revised to prevent a recurrence of what we have seen, with the New York State Insurance Department to supervise these revised agreements and the Allied Welfare Fund in that the vast majority of the affected firms are now in the New York area.

For this excellent accomplishment I wish to commend Subcommittee General Counsel Jerome S. Adlerman.

However, at the same time I am disturbed—and this is not meant to be a reflection on the general counsel, but, rather, a concern for the very problem that we are confronted with here and are trying to correct—that George Barasch apparently has still gotten away scot free with either: First, $35,000 in annual salary, plus $5,200 annual expense money, while serving as the head of Churchill Associates, which is still administering the active welfare and pension funds; or second, $54,098 in annual annuity from the various retirement plans which Barasch can receive if he elects to retire, as he is now 55 years of age and is apparently eligible to do.

It appears that Barasch has been rewarded for his deceit and, therefore, if the Insurance Department of the State of New York was at fault in delaying the aforementioned negotiations—as it may well have been—I would suggest that its New Jersey counterpart, or the State attorney general and/or the State Legislature of New Jersey take a long, hard look at the pension funds which are administered in New Jersey and which presently allow Barasch to receive approximately $48,400 per year therefrom, at his election. The names of these funds have not been mentioned until now—mainly, to attempt to not further confuse an already confusing matter—but, for the record, they are: First, Allied Security Fund, which pertains to his retirement benefits from his Allied Trades Council association; second, Affiliated Security Fund, which pertains to his retirement benefits from his roles with Local 815, Teamsters, and Churchill Associates.

INADEQUACY OF EXISTING LAWS

As it was repeatedly pointed out during the hearings, there was a great deal of concern by subcommittee members and Department of Justice and Department of Labor witnesses that there appeared to be no existing provisions of law to prevent the activities of George Barasch and to protect the rights of union members to the funds contributed for their own welfare and pensions. Assistant U.S. Attorney General Fred Vinson indicated that the Labor-Management Relations Act of 1947, as amended, had as its most pertinent portion to the Barasch case, section 302. However, the main purpose of section 302 was to prevent conflicts of interest and other improper practices between employers and employees. Welfare and pension funds were not included within Section 302's provisions in a situation such as the Barasch case. And Solicitor Charles Donahue of the U.S. Department of Labor indicated that the Welfare and Pension Funds Plans Disclosure Act of 1948, and its 1962 amendment, is limited in authority in that it requires a great deal of disclosure of facts regarding the plans, as well as financial reports, but on a voluntary basis. If such information is refused by the particular union involved, the Secretary of Labor may investigate but he has no enforcement machinery to require complete disclosure or compliance.

Accordingly, our Subcommittee has made certain recommendations in its report, which in substance are the same as S. 2627, the bill to which I alluded at the beginning of my remarks and which was designed to remedy these abuses, and which was cosponsored by eight of the nine Subcommittee members. While these recommendations are readily available, and do speak for themselves let me simply say that they recommend the elimination of one-man control of such welfare and pension plan funds, that the funds shall be used only for stated purposes for the ultimate benefit of the employees, that the trustees will be limited to terms of years with the activities and overall character of the trustees much more carefully scrutinized. Also, that the corpus of the trust will not be transferred to foreign countries without the

expressed permission of the Secretary of Labor, and the Secretary will be empowered with enforcement machinery for violations of the fiduciary capacity, including the trustees' removal through the Federal courts and the authority to sue in said courts for the recovery of any funds therein deleted.

RANK-AND-FILE UNION MEMBERS

I do not want to conclude my remarks without a specific reference to the real purpose for this proposed legislation, and that is to guard these funds for the worker who is entitled to them and for whom it is intended will ultimately have the use of them. My concern in this regard is the same today as it was yesterday, and the day before, and as it was when I remarked on this Senate floor on September 3, 1959, during the discussion of the then-pending Landrum-Griffin bill—the latter of whom is our newest Member to this Senate body today. At that time, I said:

However, I believe that close students of trade-union legislation and of the national economy at this time must reach the conclusion that the greatest lack of balance in the trade-union area of the country today is not the lack of balance between employer and employee, or not even the lack of balance which comes to startingly and so strangely, and with such terrible consequences at times, between the little businessman and the big unions, but that the most significant lack of balance is between the power of the individual member and the power of the labor boss who has authority over that member's destiny and over his economic life. Union leaders have often grown too strong. The control exercised by dues-paying members over their own affairs has grown to weak.

While I am sure that most pension funds in most of the unions are honestly administered, still it is with this thought of the protection of the little man, the rank-and-file member, that I make my remarks today. I think it might be fitting to state that I liken the purpose of the proposed legislation as contained in S. 2627 and as stated in the recommendations to our report to the purport of another statement I also made on the Senate floor on that same day, September 3, 1959, when I said:

I think it should also be made perfectly clear, Mr. President, that this is not punitive legislation. In no sense is it anti-labor legislation. But it is very markedly preventive legislation—preventing, we hope, in the future the types of abuses which have brought injury and unhappiness to so many in the past. And it is very definitely anti-labor boss legislation, because it takes from those who prefer to be labor bosses instead of responsible labor leaders the undue authority which they have been accumulating and redistributes it among the rank and file trade union members, where it rightfully belongs. This is what we mean when we have argued so long and so energetically for a bill of rights for the American workingman and woman whose dues support the trade union movement."

CONCLUSION

I realize that the whole subject of private pension plans is an enormous one as affecting our whole economic picture, particularly in the next decade when so many contributing plans will come into fruition. I know that various committees of the Congress have held, and will continue to hold, hearings on this vital matter. The Senate Special Committee on the Aging held hearings on the subject in March of last year and their report of June 1965 entitled "Extending Private Pension Coverage," indicated that private pensions are currently paying $2.75 billion annually to almost 2.5 million beneficiaries and that approximately 25 million Americans who have not yet retired have some retirement coverage. It is anticipated that approximately $9 billion annually will be paid out to 6.5 million Americans in 1980, and that 42 million Americans will then be participating in such retirement coverage.

The Joint Economic Committee of the Congress has also been holding hearings on this subject this year. By looking at and inquiring into the diversion, misapplication and misuse of such funds as our Subcommittee has done in this instance, I feel that we have been of assistance to the Congress and to the people of this great country, as a whole, and, hopefully, to the rank-and-file union employees across the breadth of our land in particular.

SIXTEENTH ANNUAL REPORT OF SENATE SELECT COMMITTEE ON SMALL BUSINESS (S. REPT. NO. 1349)

Mr. SPARKMAN. Mr. President, as chairman of the Senate Select Committee on Small Business, I submit the committee's 16th annual report, and ask that it be printed.

The PRESIDING OFFICER. The report will be received, and printed, as requested by the Senator from Alabama.

REPORT ENTITLED "PATENTS, TRADEMARKS, AND COPYRIGHTS" (S. REPT. NO. 1350)

Mr. McCLELLAN. Mr. President, from the Committee on the Judiciary, I submit a report entitled "Patents, Trademarks, and Copyrights," pursuant to Senate Resolution 48, 89th Congress, 1st session, and ask that it be printed.

The PRESIDING OFFICER. The report will be received, and printed, as requested by the Senator from Arkansas.

COMMISSION ON NOXIOUS AND OBSCENE MATTERS AND MATERIALS—REPORT OF A COMMITTEE (S. REPT. NO. 1355)

Mr. MUNDT. Mr. President, by direction of the Committee on Government Operations, I report favorably, with an amendment, the bill (S. 309) providing for a commission to be known as the Commission on Noxious and Obscene Matters and Materials, and I submit a report thereon.

I have been happy to have 28 other Senators act as cosponsors of this bill. The Senators who have joined me as cosponsors are: Senators ALLOTT, BENNETT, BIBLE, CARLSON, CASE, COOPER, DIRKSEN, EASTLAND, FANNIN, GRUENING, HICKENLOOPER, HOLLAND, JORDAN of Idaho, LAUSCHE, PROUTY, RANDOLPH, SCOTT, SIMPSON, SMATHERS, SPARKMAN, THURMOND, TOWER, YOUNG of North Dakota, RIBICOFF, PEARSON, DOMINICK, MILLER, and FONG.

I believe that the extent to which this legislation has found support from almost a third of the Senate reveals the seriousness of the problems of obscenity throughout our country.

My observations lead me to believe that the activities of the merchants of filth are expanding. I have received a mountain of mail from citizens whose homes have been invaded with advertising and samples of the smut which is on the market. These people demand that something be done.

It was hoped that the recent trials before the Supreme Court would help strengthen the hand of the law-enforcement agencies, but there has been general disappointment that these decisions did not have more far reaching effects.

I do not wish to place undue blame on the Court for it can only interpret the laws that are in effect. It was clear, from the opinions which were written, that the Justices were stymied in trying to determine what has legally been defined as obscene. We still need an adequate definition which will hold up in court.

Some fears have been expressed that passage of this bill will somehow bring about censorship. Nothing could be further from the fact. I ask critics only to examine the makeup of the commission, with representatives from almost every walk of life, with experts in the field of information, publishing, education, religion, television, and motion pictures. Surely these representatives will be conscious of their responsibility to maintain basic freedom as they seek means to end the abuse of these freedoms—abuse which leads to harm for others.

This commission cannot pass any laws. It can only report its findings, make recommendations, propose programs. Its suggestions are not binding on any body of government.

I only ask that this group of experts be given the opportunity to seek safeguards against the violation of privacy, leading to distortion of moral character, which comes from the smelly traffic in pornographic, obscene, and filthy books, pictures, and other noxious materials. I ask only that they be given a chance to concentrate on the problems surrounding the sale of such materials, the legal means of constricting the flow of this traffic and, just as important, outlining those areas which are not to be listed in the category of obscene or pornographic.

Mr. President, I ask that a portion of the report of the committee and a copy of S. 309, as amended, be made a part of the RECORD at this point.

The PRESIDING OFFICER. The report will be received, and the bill will be placed on the calendar; and, without objection, the excerpt from the report and the bill (S. 309), as amended, will be printed in the RECORD.

The excerpt and amendment, presented by Mr. MUNDT, are as follows:

PURPOSE

S. 309 provides that a Commission will be established to explore methods of combating the traffic in obscene and noxious materials

and to (1) seek means of improving coordination between various levels of government to suppress such traffic; (2) endeavor, through the cooperation of various information and communication media, to inform the public about the problem and to further the objectives of the Commission; and (3) report its findings and recommendations as to what legislative, administrative, or other forms of action needs to be taken to combat the traffic in obscene and noxious materials.

BACKGROUND INFORMATION

S. 309 is identical to S. 162, a bill introduced in the 87th Congress, which was favorably reported by the Government Operations Committee of the Senate (S. Rept. 284) and passed by the Senate.

In the 86th Congress, the Government Operations Committee of the Senate reported S. 3726 (S. Rept. 1749) and this bill, which was also identical to S. 309, was passed by the Senate.

This legislation has been introduced in an effort to bring about a workable and effective program to fight the traffic in obscene and noxious matters and materials. While considerable interest has been shown by Congress and by the General public in the serious problems involved in the distribution of pornographic literature, no single effective piece of legislation has been adopted which deals a crippling blow to this insidious industry.

Many religious, patriotic, and service organizations and groups have been continually urging Congress to take action on this serious and menacing problem. The Congress has taken note of the wide-spread harm done to youth and others through the dissemination of lewd, obscene, and noxious materials, and a number of bills have been introduced in Congress on the subject.

Twenty-eight additional Senators have joined in the sponsorship of this bill. It is the belief of the sponsors that the best approach to the problems resulting from the distribution of obscene materials would be through the establishment of a commission which could thoroughly examine all the facets of the problems and could then recommend steps to be taken both by legislative bodies and by private groups and citizens to meet the threat posed by the dissemination of obscene matters.

It is the belief of the sponsors that this small group of experts, drawn from a wide area of interests, could make recommendations and initiate action more effectively.

The Commission is to be made up of persons from several walks of life who have knowledge of the seriousness of the problem and the many legal problems connected with the suppression of the traffic in obscene materials.

The Commission will study the need for any new Federal regulations for controlling such traffic, as well as the general need for State laws or local ordinances for this purpose.

Efforts will be made by the Commission to alert the public, especially the parents and school-age children, about the seriousness of this pernicious traffic and give guidance to the public in suppressing the distribution of such lewd and obscene matters, or in bringing the purveyors of filth into court.

MEMBERSHIP OF THE COMMISSION

The following Government agencies will have representatives on the Commission: The Post Office Department, the Department of Justice (including the Federal Bureau of Investigation), and the Department of Health, Education, and Welfare. There will also be one member from the House of Representatives and one member of the Senate on the Commission.

Public members are selected from groups knowledgeable on this question both from a moral aspect and from a law enforcement aspect. These will include three clergymen, a secondary school official, a State attorney general, a county or city prosecutor, and a county or city law enforcement officer.

Representatives from the information and communications media will sit on the Commission. One member will come from the moving-picture industry, one from the radio-television industry, and one from the publishing industry.

This group will represent all segments of the population concerned with the problems resulting from distribution of noxious and obscene matters and materials.

S. 309

A bill creating a commission to be known as the Commission on Noxious and Obscene Matters and Materials

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 traffic in obscene matters and materials is a matter of grave national concern. The problem, however, is not one which can be solved at any one level of government. The Federal Government has a responsibility to find more effective ways of preventing the transmission of such matters and materials through the instrumentalities which, under the Constitution, are subject to Federal regulation. The State and local governments have perhaps an even greater responsibility in the exercise of their police powers to protect the public, and particularly minors, from the morally corrosive effects of such matters and materials. Governmental action to be effective needs the support and cooperation of an informed public. It is the purpose of this Act to bring about a coordinated effort at the various governmental levels, and by public and private groups, to combat by all constitutional means this pernicious traffic.

ESTABLISHMENT OF THE COMMISSION ON NOXIOUS AND OBSCENE MATTERS AND MATERIALS

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 Commission on Noxious and Obscene Matters and Materials (hereinafter referred to as the "Commission").

(b) Service of an individual as a member of the Commision 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 twenty members, appointed by the President, as follows:

(1) One from the Senate;

(2) One from the House of Representatives;

(3) Two from the Post Office Department;

(4) Two from the Department of Justice, one of whom shall be from the Federal Bureau of Investigation;

(5) One from the Department of Health, Education, and Welfare;

(6) Three from the clergy;

(7) One who shall be a prominent educator in the field of secondary education;

(8) One who shall be a prominent educator in the field of higher education;

(9) One who shall be a prominent librarian;

(10) One who shall be a prominent representative of the book publishing industry;

(11) One who shall be a prominent representative of the newspaper, magazine, and periodical publishing industry;

(12) One who shall be a prominent representative of the motion picture industry;

(13) One who shall be a prominent representative of the radio and television industries;

(14) One from among the attorneys general of the several States;

(15) One who shall be a chief prosecutor of a city or county government; and

(16) One who shall be a chief law enforcing officer of a city or county government.

(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 Vice Chairman from among its members.

QUORUM

SEC. 5. Eleven 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 $100 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 explore methods of combating the traffic in obscene matters and materials at the various levels of governmental responsibility;

(2) to provide for the development of a plan for improved coordination between Federal, State, and local officials in the suppression of such traffic;

(3) to determine ways and means of informing the public as to the origin, scope,

and effects of such traffic, and of obtaining public support in its suppression;

(4) to secure the active cooperation of leaders in the field of mass media for the accomplishment of the objectives and purposes of this Act;

(5) to formulate recommendations for such legislative, administrative, or other forms of action as may be deemed necessary to combat such traffic; and

(6) to analyze the laws pertaining to traffic in noxious and obscene matters and materials, and to make such recommendations to the Congress for appropriate revisions of Federal laws as the Commission may deem necessary in order to effectively regulate the flow of such traffic.

(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 two years after the Commission is established. 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, of 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) ADVISORY COMMITTEES.—In carrying out its duties under this Act, the Commission (1) may constitute such advisory committees within States composed of citizens of that State, and (2) may consult with Governors, attorneys general, and other representatives of State and local government and private organizations, as it deems advisable. Any advisory committee constituted pursuant to this subsection shall carry out its duties without expense to the United States.

(c) 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.

BILLS INTRODUCED

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

By Mr. SMATHERS:

S. 3572. A bill for the relief of Dr. Sherif Shafey; to the Committee on the Judiciary.

By Mr. SPARKMAN:

S. 3573. A bill for the relief of Dr. Robert L. Cespedes; to the Committee on the Judiciary; and

S. 3574. A bill to make certain expenditures by the city of Huntsville, Ala., eligible as local grants-in-aid for purposes of title I of the Housing Act of 1949; to the Committee on Banking and Currency.

By Mr. NELSON:

S. 3575. A bill for the relief of Andreas Nikolaos Kanaloupitis; to the Committee on the Judiciary.

By Mr. HART (for Mr. TYDINGS):

S. 3576. A bill to amend section 2241 of title 28, United States Code, with respect to the jurisdiction and venue of applications for writs of habeas corpus by persons in custody under judgments and sentences of State courts; to the Committee on the Judiciary.

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

By Mr. KENNEDY of Massachusetts:

S. 3577. A bill to make certain expenditures by Massachusetts Institute of Technology eligible as local grants-in-aid for the purposes of title I of the Housing Act of 1949; to the Committee on Banking and Currency.

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

By Mr. DOUGLAS:

S. 3578. A bill to amend title XVIII of the Social Security Act to provide coverage, under the program of supplementary medical insurances benefits established by part B thereof, of certain expenses incurred by an insured individual in obtaining certain drugs; to the Committee on Finance.

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

By Mr. SCOTT:

S. 3579. A bill to establish a Judicial Service Commission; to the Committee on the Judiciary.

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

By Mr. MONTOYA (for himself and Mr. MORSE):

S. 3580. A bill to provide additional readjustment assistance to veterans who served in the Armed Forces during the Vietnam era, and for other purposes; to the Committee on Finance.

By Mr. GRIFFIN:

S. 3581. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Finance.

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

By Mr. KENNEDY of Massachusetts:

S. 3582. A bill for the relief of Georgios I. Psichogios; to the Committee on the Judiciary.

RESOLUTION TO PRINT AS A SENATE DOCUMENT A STUDY ON OPERATION AND EFFECTIVENESS OF GOVERNMENT BOARDS OF CONTRACT APPEALS

Mr. SPARKMAN submitted the following resolution (S. Res. 281); which, under the rule, was referred to the Committee on Rules and Administration:

Resolved, That there be printed as a Senate Document a study on the Operation and Effectiveness of Government Boards of Contract Appeals, prepared for the Senate Select Committee on Small Business by Professor Harold C. Petrowitz; and that three thousand additional copies be printed for the use of the committee.

JURISDICTION AND VENUE OF APPLICATIONS FOR WRITS OF HABEAS CORPUS FOR CERTAIN PERSONS

Mr. HART. Mr. President, the able junior Senator from Maryland [Mr. TYDINGS] is necessarily absent today. He has asked me, and I am proud to comply, to introduce a bill for him with respect to the jurisdiction and venue of applications for writs of habeas corpus.

The Senator has prepared additional remarks which outline the purpose he seeks to achieve by the bill. His remarks are most persuasive. I think we can again see clearly the reason that the junior Senator from Maryland in the relatively brief period of time he has served has established himself as a Senator who is deeply concerned with matters affecting justice for individuals even when there is no political gain to be achieved or newspaper excitement over the matter.

In his role as chairman of the Subcommittee on Improvements in Judicial Machinery, the Senator from Maryland has amply demonstrated his understanding and concern of these problems.

Mr. President, I ask unanimous consent that the remarks of the junior Senator from Maryland be printed at this point in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the remarks of the Senator from Maryland [Mr. TYDINGS] will be printed in the RECORD.

The bill to amend section 2241 of title 28, United States Code, with respect to the jurisdiction and venue of applications for writs of habeas corpus by persons in custody under judgments and sentences of State courts; introduced by Mr. HART (for Mr. TYDINGS), was received, read twice by its title, and referred to the Committee on the Judiciary.

The remarks of Mr. TYDINGS, presented by Mr. HART, are as follows:

MODIFICATION OF THE VENUE PROVISIONS OF THE JUDICIAL CODE CONCERNING HABEAS CORPUS PETITIONS BY STATE PRISONERS

Mr. President, existing provisions of the Judicial Code governing district court venue for habeas corpus petitions filed by State prisoners may inflict undue hardship both upon the petitioning prisoner and our district courts. The problem arises where there are two or more Federal judicial districts within any given state. The law requires that a state prisoner seeking a writ of habeas corpus from a Federal district court must file his petition in the district in which he is incarcerated, without regard to where he was tried and convicted. This means that the petition for the writ may be entertained in a district court that is far distant from the scene of the crime, from both prosecutorial and defense witnesses, and from the state court that sentenced the prisoner.

Furthermore, this unnecessarily restrictive rule may not produce an equitable distribution of the habeas corpus caseload among the various Federal district courts in a particular state. For example, while the State of Texas is divided into four Federal judicial districts, substantially all of that state's correctional facilities are located in the Southern District of Texas. A prisoner may be tried and convicted in a State court sitting in Amarillo, in the Northern District

of Texas, but he will be confined in a State penitentiary located within the jurisdiction of the Southern District. This prisoner will have to file any petition for post-conviction relief with the district court in Houston, about 700 miles from the location of the State court which convicted him. If the district court in Houston desires to inquire into the matter, considerable expense and trouble must be undertaken in order to obtain testimony from distant witnesses, and in order to examine evidence that is in all probability still located within the jurisdiction of the trial court.

Until recently, these venue provisions of existing law did not cause intolerable difficulties because the habeas corpus review of a State court proceeding by a Federal court was narrowly restricted. However, as a result of a line of Supreme Court decisions over recent years the scope of the habeas corpus hearings has been broadened considerably, and often approaches a full scale trial. The typical hearing today may require the attendance of many witnesses, and it may be extremely expensive or inconvenient to bring the necessary persons before the reviewing court.

Mr. President, I am introducing, for appropriate reference, a bill to allow the State prisoner to file for review of the State court proceeding in the more appropriate and convenient Federal court. My bill would allow the prisoner to file for the writ in either the Federal district court where he is incarcerated, or the Federal district court located where the State trial took place, and would allow the district court to transfer the proceedings to another district court in the interests of justice and for the convenience of the petitioner. The bill will also have the salutary effect of distributing the habeas corpus business of the Federal courts more evenly among the various judicial districts.

This bill is in large measure the product of the diligent efforts of the Honorable Ben C. Connally, Chief Judge of the Southern District of Texas. Judge Connally is to be congratulated for bringing to the public's attention this shortcoming in the present Judicial Code, and for suggesting an appropriate solution.

A similar bill, H.R. 7618, was introduced in the House of Representatives by the distinguished chairman of the House Committee on the Judiciary, the Honorable EMANUEL CELLER.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD:

"S. 3576

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2241 of title 28, United States Code, is amended by inserting therein at the end thereof an additional subsection reading as follows:

"'(d) Where an application for a writ of habeas corpus is made by a person in custody under the judgment and sentence of a State court of a State which contains two or more Federal judicial districts, the application may be filed in the district court for the district wherein such person is in custody or in the district court for the district within which the State court was held which convicted and sentenced him and each of such district courts shall have concurrent jurisdiction to entertain the application. The district court for the district wherein such an application is filed in the exercise of its discretion and in furtherance of justice may transfer the application to the other district court for hearing and determination.'"

ELIGIBILITY OF CERTAIN EXPENDITURES BY MASSACHUSETTS INSTITUTE OF TECHNOLOGY AS LOCAL GRANTS-IN-AID

Mr. KENNEDY of Massachusetts. Mr. President, in 1959, Congress added section 112 to the Housing Act of 1949 to permit expenditures by colleges for land acquisition and property preparation to be credited toward a community's share of the cost of an urban renewal project, if these expenditures related to the objectives of a community's urban renewal project which is in the immediate vicinity. This legislation sought to encourage educational expansion and community renewal. If urban colleges are to expand, they must acquire property that has already been developed. Communities are more likely to facilitate this expansion, taking city property off the tax rolls, when they can derive some benefit—such as gaining an urban renewal credit and having neighborhood blight corrected.

The city of Cambridge and the Massachusetts Institute of Technology have cooperated in pursuing these twin objectives of community renewal and educational expansion. The city has assisted MIT in acquiring needed property for expansion. MIT's expansion has assisted Cambridge in its efforts to renew its community.

Unfortunately, restrictive administration of the section 112 credit program has threatened to vitiate the benefits which rightfully belong to Cambridge. The Urban Renewal Administration has arbitrarily declared that only expansion within one-quarter mile of the urban renewal area is eligible for the local credits. Although this agency has sought to insure that only expansion related to renewal projects is rewarded, the true effect has been to deprive this program of the impetus intended by Congress. Because MIT has a concentrated campus, expansion must necessarily occur outside one-quarter-mile radius while still relating closely to the urban renewal objectives.

The bill I introduce today would insure that Cambridge will enjoy the full benefits of MIT's expansion within 1 mile of the Kendall Square urban renewal project. Congress recognized the need to allow such special exemptions when we approved similar legislation last year in regard to the University of Pennsylvania in Philadelphia and Wilkes College in Wilkes-Barre, Pa.

Adoption of this legislation would insure that Congress' intent is applied to efforts of MIT and Cambridge. The costs incurred by MIT in expanding its facilities with the assistance of Cambridge would now be credited toward its urban renewal project.

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

The bill (S. 3577) to make certain expenditures by Massachusetts Institute of Technology eligible as local grants-in-aid for the purposes of title I of the Housing Act of 1949, introduced by Mr. KENNEDY of Massachusetts, was received, read twice by its title, and referred to the Committee on Banking and Currency.

AMENDMENT OF TITLE XVIII OF SOCIAL SECURITY ACT

Mr. DOUGLAS. Mr. President, we are at the eve of a historic event. Tomorrow, the promise of medicare becomes a reality for millions of older Americans.

It is significant that medicare begins functioning over the July 4 weekend, for in its own way this new program constitutes a declaration of independence. For millions it will bring freedom from the pervasive fear of financial catastrophe brought about by the inevitable and often chronic illness of the latter years. Medicare means that the hard-earned savings of a lifetime will not swiftly diminish and vanish as a result of factors over which the elderly have no control. Medicare means that younger members of a family need no longer face the terrible necessity of mortgaging their futures in order to meet the health care costs of parents and grandparents. Medicare means for many millions a meaningful and dignified alternative to the welfare relief rolls. We start a program tomorrow which provides tangible evidence to the world that the Great Society is a compassionate society. And, it is compassion based upon dignity and not the dole.

I am not so naive as to believe that the new program is flawless or that it will necessarily function with full efficiency—particularly during the early months and years of operation. On the other hand, we are pragmatists and I trust that we will make such changes in the future as may be required to eliminate shortcomings and enhance effectiveness.

Mr. President, I introduce today an amendment to medicare with a view toward making a good thing better.

My bill is designed to provide coverage under part B, the supplementary medical insurance plan, toward the costs of prescribed drugs.

The failure of the medicare program to provide reimbursement toward the costs of drugs prescribed outside of a hospital or nursing home is generally acknowledged to be a major gap in protection. This deficiency was highlighted during the course of the debate on the Social Security Amendments of 1965.

The magnitude of the problem is indicated by the fact that four out of five people age 65 or over suffer from one or more chronic illnesses. Most of these illnesses require medication of one sort or another on a continuing basis. In 1965, according to the magazine, American Druggist, the elderly are estimated to have spent close to $1 billion on drugs and related items. Not all of that $1 billion, of course, went for prescriptions—several hundred millions was spent for items not requiring prescription, such as aspirin, vitamins, et cetera. It is estimated, however, that at least $600 million was expended for prescribed drugs.

A good part of the problem in devising a means for covering prescribed drugs was in developing a rational basis for payment consistent with what we know about drug quality and efficacy as well as the prescribing practices of physicians. I believe that this bill achieves those objectives.

First, it would be prohibitively expensive to the program to pay for prescriptions on the basis of retail price and for whatever item prescribed. We know that in most instances, the generic version of a drug is either identical with or equivalent in efficacy to the tradename or branded version and available at significantly lower prices. For that reason, the bill provides for the establishment of a schedule of allowances for each prescribed drug based upon the cost of the lowest priced generic equivalent plus an appropriate amount for handling and distribution. Such allowances are similar to private insurance which pays specified amounts, not necessarily identical with the actual charges, for particular medical services or procedures. The drug allowance will approximate actual cost to the extent that a drug is prescribed and filled on a generic basis. The physician is free, however, to prescribe otherwise—but the allowance to the beneficiary will be made in accordance with the schedule structured on generic pricing.

The basic listing of drugs requiring prescription for which benefits may be made is the U.S. Public Health Service Formulary. Items in this formulary may be added to or excluded from coverage based upon the professional judgment of a formulary committee consisting of: the Surgeon General of the United States; the Commissioner of the Food and Drug Administration; and the Director of the National Institutes of Health. The formulary committee would be aided by an advisory committee consisting of seven members. These members would be selected by the Secretary of Health, Education, and Welfare from national organizations concerned with pharmacy such as: the Council on Drugs of the AMA; American Public Health Association; American Society of Hospital Pharmacists; American Association of Medical Colleges; American Association of Colleges of Pharmacy; American Association of Colleges of Apothecaries; American Dental Association; National Medical Association; American Pharmaceutical Association; and the Pharmaceutical Manufacturers Association.

The advisory group may recommend items for inclusion in the formulary to the formulary committee. Any items included in the formulary on a generic name basis will also be covered if prescribed under a trade name. The formulary committee may also include as covered items, drugs which do not require a prescription if it determines those drugs to be of a lifesaving nature. In determining the cost of "the lowest priced generic equivalent," the committee would consult recognized pricing guides such as the "Red Book," and the "Blue Book," or it may use any other basis which it deems appropriate in determining such generic prices for purposes of preparing its schedule of allowances.

The formulary committee may from time to time, modify its schedule both in terms of items covered and allowances. It may also, by regulation, establish minimum prescription quantities and such other rules and regulations as it deems necessary to insure orderly, economical, and equitable provision of this benefit.

At least annually, beneficiaries and physicians would be forwarded a complete listing of the drugs for which a benefit is payable. Each drug would be listed, on a cross-indexed basis, by both generic and trade name with the allowance for each drug also noted. Where a drug is available under more than one trade name, each name would be listed. This procedure would permit older people to become acquainted with the different items covered and serve as a handy reference to facilitate and encourage prescription by generic rather than trade name. I repeat, despite the financial advantages of generic prescription, the physician would still be free to prescribe by trade name. In such cases, however, a smaller portion of the actual cost of the prescription would be paid as a benefit.

Allowances under my bill would not be subject to the 20-percent coinsurance applicable to the other benefits of part B of medicare. The beneficiary would be entitled to the full allowance once he had met the $50 deductible requirement of part B. Prescription costs may be used toward satisfying the $50 deductible but only on the basis of the scheduled allowances and not on the actual costs to the beneficiary.

Benefits would be payable directly to the beneficiary subject to assignment at his discretion.

This new benefit would be added to part B as of July 1, 1968, or earlier in the event that premium costs for the supplementary plan are recalculated prior to that date. The additional premium necessary to pay for this benefit is estimated to be approximately $1 monthly per beneficiary of which one-half would be paid for by the Federal Government.

Mr. President, I ask unanimous consent that the text of the bill be printed at the conclusion of my remarks. I also request that the bill lie on the table for a period of 15 days so as to enable other Senators to join in sponsoring this necessary and worthwhile benefit.

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

The bill (S. 3578) to amend title XVIII of the Social Security Act to provide coverage, under the program of supplementary medical insurance benefits established by part B thereof, of certain expenses incurred by an insured individual in obtaining certain drugs, introduced by Mr. DOUGLAS, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 3578

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1832(a) of the Social Security Act is amended (1) by striking out the period at the end thereof and inserting in lieu of such period a semicolon followed by the word "and", and (2) by adding at the end thereof the following new paragraph:

"(3) entitlement to be paid for allowable expenses (as defined in section 1845(a)(2)), or, if lower, actual expenses, incurred by him for the purchase of qualified drugs (as defined in subsection (a)(1) of such section)."

(b)(1) Section 1833(a) of such Act is amended, in the part thereof which precedes paragraph (1), by inserting "or qualified drugs" after "incurs expenses for services".

(2) Such section is further amended (A) by striking out the period at the end thereof and inserting in lieu of such period a semicolon followed by the word "and", and (B) by adding at the end thereof the following new paragraph:

"(3) in the case of expenses covered under section 1832(a)(3)—100 per centum of such expenses."

(c) Section 1833(b) of such Act is amended by adding at the end thereof the following new sentence: "For purposes of determining amounts to be counted toward meeting the $50 deductible imposed by the preceding sentence, there shall not be included any expenses incurred for any drug or biological which is in excess of the allowable expenses (as defined in section 1845(a)(2)) of such drug or biological."

(d) Part B of title XVIII of such Act is amended by adding at the end thereof the following:

"ALLOWABLE EXPENSES FOR QUALIFIED DRUGS

"SEC. 1845. (a) For purposes of this part—

"(1) The term 'qualified rug' means a drug or biological which is included among the items approved by the Formulary Committee (established pursuant to section 1846(a)).

"(2) The term 'allowable expense', when used in connection with any quantity of a qualified drug, means the amount established with regard to such quantity of such drug by the Formulary Committee and approved by the Secretary.

"(b) Amounts to which an individual is entitled by reason of the provisions of section 1832(a)(3) shall be paid directly to such individual or, if such individual has assigned his right to receive any such amount to another person, the amount so assigned shall be paid to such other person. No individual shall be paid any amount by reason of the provisions of section 1832(a)(3) prior to the presentation by him (or by another on his behalf) of documentary or other proof satisfactory to the Secretary establishing his entitlement thereto.

"(c) The benefits provided by reason of section 1832(a)(3) may be paid by the Secretary or the Secretary may utilize the service of carriers for the administration of such benefits under contracts entered into between the Secretary and such carriers for such purpose. To the extent determined by the Secretary to be appropriate, the provisions relating to contracts entered into pursuant to section 1842 shall be applicable to contracts entered into pursuant to this subsection.

"FORMULARY COMMITTEE

"SEC. 1846. (a) There is hereby established a Formulary Committee to consist of the Surgeon General of the Public Health Service, the Commissioner of the Food and Drug Administration, and the Director of the National Institutes of Health.

"(b)(1) It shall be the duty of the Formulary Committee, with the advice and assistance of the Formulary Advisory Group (established pursuant to section 1847) to—

"(A) determine which drugs and biologicals shall constitute qualified drugs for purposes of the benefits provided under section 1832(a); and

"(B) determine, with the approval of the Secretary, the allowable expense, for purposes of such benefits, of the various quantities of any drug determined by the Committee to constitute a qualified drug; and

"(C) publish and disseminate at least once each calendar year among individuals insured under this part, physicians, pharmacists, and other interested persons, in accordance with directives of the Secretary, an alphabetic list naming each drug or biological (by its generic name and by each other name by which it is known) which is a qualified drug together with the allowable expense of various quantities thereof, and if any such drug or biological is known by a trade name, the generic name shall also appear with such trade name.

"(2)(A) Until the Formulary Committee determines to the contrary, any drug or biological which is included in the United States Public Health Service Formulary shall be regarded as a qualified drug for purposes of the benefits provided under section 1832 (a)(3). Drugs or biologicals not included in such Formulary shall be regarded as qualified drugs for such purposes upon determination of the Formulary Committee that such drugs or biologicals should be so regarded. Any drug or biological included on the list of qualified drugs shall, if listed by generic name, also be listed by its trade name or names, if any.

"(B) Drugs and biologicals shall be determined to be qualified drugs only if they can legally be obtained by the user pursuant to a prescription of a physician; except that the Formulary Committee may include certain drugs and biologicals not requiring such a prescription if it determines such drugs or biologicals to be of a life-saving nature.

"(C) In the interest of orderly, economical, and equitable administration of the benefits provided under section 1832(a)(3), the Formulary Committee may, by regulation, provide that a drug or biological otherwise regarded as being a qualified drug shall not be so regarded when prescribed below certain minimum quantities.

"(3) In determining the allowable expense for any quantity of any qualified drug, the Formulary Committee shall give due consideration to recognized pricing guides for drugs, and of other pertinent factors, with a view to determining with respect to each qualified drug a schedule of prices for various quantities thereof which reflects the cost thereof to the ultimate dispensor of the drug plus a reasonable fee for the preparation, handling, and distribution thereof to the consumer thereof. In any case in which a drug or biological is available by generic name and one or more trade names any one of which is different from such generic name the cost of such drug or biological, for purposes of the preceding sentence, shall be deemed to be the lowest cost of such drug, however named.

"ADVISORY GROUP TO FORMULARY COMMITTEE

"SEC. 1847. (a) For the purpose of assisting the Formulary Committee to carry out its duties and functions, the Secretary shall appoint an Advisory Group to the Formulary Committee (hereinafter in this section referred to as the 'Advisory Group'). The Advisory Group shall consist of seven members to be appointed by the Secretary. From time to time, the Secretary shall designate one of the members of the Advisory Group to serve as Chairman thereof. The members shall be so selected that each represents one or more of the following national organizations: an organization of physicians, an organization of manufacturers of drugs, an organization of pharmacists, an organization of persons concerned with public health, an organization of hospital pharmacists, an organization of colleges of medicine, an organization of colleges of pharmacy, and an organization of consumers. Each member shall hold office for a term of three years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and except that the terms of office of six of the members first taking office shall expire, as designated by the Secretary at the time of appointment, two at the end of the first year, two at the end of the second year, and two at the end of the third year, after the date of appointment. A member shall not be eligible to serve continuously for more than two terms.

"(b) Members of the Advisory Group, while attending meetings or conferences thereof or otherwise serving on business of the Advisory Group, shall be entitled to receive compensation at rates to be fixed by the Secretary, but not exceeding $75 per day, including travel time, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b-2) for persons in the Government service employed intermittently.

"(c) The Advisory Group is authorized to engage such technical assistance as may be required to carry out its functions, and the Secretary shall, in addition, make available to the Advisory Group such secretarial, clerical, and other assistance and such pertinent data obtained and prepared by the Department of Health, Education, and Welfare as the Advisory Group may require to carry out its functions."

SEC. 2. The amendments made by the first section of this Act shall become effective on whichever of the following first occurs: the first day of the first month with respect to which the rate of the monthly premium for participation is raised, pursuant to section 1839(b) of the Social Security Act, after the date of enactment of this Act, or July 1, 1968.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. LONG of Louisiana. Mr. President, I notice that the bill of the Senator would require that the drugs be payable on the basis of their generic names. I congratulate him for that provision.

While I do not have a closed mind on the subject, my investigation has led me to believe that the public pays several times more than necessary for drugs if those drugs are purchased by the trade name.

When one purchases a drug by its generic name, he gains the benefit of competition between manufacturers. In doing so, it is possible to greatly reduce the cost.

I am perhaps overoptimistic as to the savings to be achieved by this procedure. However, to my knowledge everyone to whom I have spoken or who has handled a program stressing generic prescription concedes that the savings are very great when one purchases drugs by generic names.

Mr. DOUGLAS. I thank the Senator from Louisiana. I think he is completely correct. That is the purpose in providing for basing the payment of the drugs benefit on their generic names, rather than their trade names.

ESTABLISHMENT OF A JUDICIAL SERVICE COMMISSION

Mr. SCOTT. Mr. President, I introduce, for appropriate reference, a bill to establish a judicial service commission, and I ask that the text of the bill be printed immediately following my remarks.

(See exhibit 1.)

Mr. SCOTT. I also ask unanimous consent that an article published in the Reader's Digest for July 1966, be printed following the text of the bill I have introduced.

(See exhibit 2.)

Mr. SCOTT. I also ask unanimous consent that the bill may lie on the desk until the close of business on July 15, 1966, so that Senators who may wish to be cosponsors may have the opportunity to do so.

Mr. President, last October the Senate was confronted with the choice of approving the nomination of a man to be U.S. district judge for the District of Massachusetts who was clearly unqualified. The public outrage against this nomination forced its withdrawal literally moments before the Senate was prepared to vote.

This nomination created the impression that judgeships could be placed on the political auction block. It also, fortunately, forced us to reexamine the system of selecting members of the Federal bench.

A distinguished lawyer from Philadelphia, Bernard G. Segal, whom I hold in the highest professional esteem, has characterized the position of Federal judge in this manner:

> . . . [It] probably constitutes the most important single position in preserving the difference between our way of life and that of the Iron Curtain countries; namely, the protection of the lives and the property of the individual, the emphasis on the individual as the paramount consideration of a whole government and of a whole people, rather than the interest in the collective security which the Iron Curtain countries emphasize. It is to this judge, to the trial judge, to whom we must look to preserve those essential liberties and those essential rights.

In other words, this position is too important to trifle with.

The American people rightfully demand excellence from appointees to the Federal bench. While most Federal judges meet this standard, the system of their selection tends on occasion to produce mediocre judges and can even turn up an occasional unfit judge. This is because politics has for too long been one of the bases for selecting Federal judges.

A Gallup poll released on April 6 of this year revealed the dissatisfaction of most Americans with the present system of selecting Federal judges. Sixty-one percent, nearly two-thirds, of those asked approved a suggestion that the American Bar Association be permitted to draw up a list of approved candidates from which the President would select his nominees.

The contested nomination last October and this recent test of public sentiment clearly indicate the necessity for Congress to take steps to guard against the appointment of mediocre or unfit judges.

Last fall, in the immediate aftermath of the contested nomination, I proposed establishment of a panel to advise the President on judicial appointments, thereby averting repetitions of this unfortunate case. Because of the importance of this whole issue of judicial reform, I have since given considerable thought and study to the composition and responsibilities of such an advisory body.

The result of this study is a bill which I am introducing today.

My bill would establish a seven-man Judicial Service Commission to be appointed by the President by and with the advice and consent of the Senate. At least three members would be present or former members of the American Bar Association's committee on the Federal judiciary, which currently evaluates judicial nominations, and at least two would be retired Federal judges. No more than four members would come from the same political party.

The Commission would examine the qualifications of prospective appointees to the Federal bench and, whenever a vacancy occurred, would make recommendations to the President for the filling of such vacancy. My bill expresses the sense of Congress that whenever the President appoints an individual to the Federal judiciary who was not recommended by the Commission, he shall furnish the Senate with a statement explaining why he did not follow the Commission's advice.

Justice is the heart of our free society and its administration should be entrusted only to the most qualified available members of the bench and bar.

The July issue of the Reader's Digest carries an interesting article by Paul Friggens, entitled "Is That Judge Fit To Sit?" which mentions my proposal. Although Mr. Friggens' illustrations are of municipal, county, and State courts, rather than the Federal judiciary, I believe the study merits examination by Congress.

I ask unanimous consent that the articles be inserted into the RECORD.

I also ask unanimous consent that the text of my bill be printed immediately following my remarks and that the bill remain at the desk until the close of business on July 15 so that Senators who may want to cosponsor can have an opportunity to add their names.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and without objection, the bill and article will be printed in the RECORD, and the bill will lie on the desk, as requested by the Senator from Pennsylvania.

EXHIBIT 1

S. 3579

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 21 of title 28, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 461. Judicial Service Commission.

"(a) There is hereby established in the executive branch of the Government an agency to be known as the 'Judicial Service Commission', hereinafter referred to as the 'Commission'.

"(b) The Commission shall be composed of seven members appointed by the President, by and with the advice and consent of the Senate. At least three of the members of the Commission shall be selected from among persons who are serving or shall have served as members of a committee of the American Bar Association dealing with the Federal judiciary, and at least two shall be members of the Federal judiciary who have retired from regular active service. Not more than four members shall be from the same political party. The Commission shall elect a chairman from among its members. Each member of the Commission shall be appointed for a term of three years, except that (1) the terms of the members first appointed shall expire, as designated by the President at the time of their appointments, two at the end of one year, two at the end of two years, and three at the end of three years, following the date of such appointments, and (2) a member appointed to fill a vacancy occurring before the expiration of the term of his predecessor shall serve under such appointment only for the remainder of such term.

"(c) It shall be the duty of the Commission to ascertain the qualifications of prospective appointees to positions as justices or judges of the United States and, upon the occurrence of a vacancy in any such position, to make recommendations to the President for the filling of such vacancy.

"(d) It is the sense of the Congress that in any case in which the President nominates for appointment as a justice or judge of the United States a person not recommended by the Commission for such appointment, he should transmit to the Senate at the time of such nomination a statement of his reasons for failing to nominate a person recommended by the Commission for such appointment.

"(e) The Commission is authorized to appoint and fix the compensation of such employees, and to make such expenditures, as may be necessary to enable it to perform its functions. With the consent of the head of the department or agency concerned, the Commission may utilize, on a reimbursable basis or otherwise, the services or facilities of any department or agency in the Executive branch of the Government.

"(f) Members of the Commission who are not otherwise receiving compensation as officers or employees of the United States shall be entitled to receive compensation at the rate of $— per diem while engaged in carrying out their duties as members, including travel time. All members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons in the Government service employed intermittently, while away from their homes or regular places of business."

SEC. 2. The analysis at the beginning of chapter 21 of title 28, United States Code, is amended by adding the following new item:

"461. Judicial Service Commission."

The article presented by Mr. SCOTT is as follows:

EXHIBIT 2

IS THAT JUDGE FIT TO SIT?

(By Paul Friggens)

"Of all people in our society, the judge must remain the most incorruptible, because he is the final protector of our rights to life, liberty and property under the law," declares Louis H. Burke, justice of the Supreme Court of California. Indisputable. But suppose that a case involving you came before a judge like one of the following:

Three state Supreme Court justices in Oklahoma who shared an alleged $150,000 bribe to "throw" their decisions in favor of a shady investment company fighting a state tax claim. One justice has served a nine-month prison sentence for income-tax evasion; another has been convicted and impeached; the third has resigned under threat of impeachment.

A Florida municipal judge who was convicted for income-tax evasion.

A Michigan recorders' judge who was convicted for failure to file any income-tax returns since 1945.

Two Louisiana Supreme Court justices who shattered judicial decorum with a fist fight in the court's chambers.

"The administration of justice in the United States is in trouble," a group of the country's leading lawyers and jurists agreed at the recent American Assembly of Columbia University. Indeed, in state after state there is growing alarm over judges who are sick or senile, corrupt, guilty of unconscionable gold-bricking, habitually intoxicated or otherwise unfit to serve on the bench. To be sure, the great majority of our judges are honest, hardworking and capable. But, as distinguished judge and public servant Samuel I. Rosenman of New York said in an address to the bar: "Let us face the sad fact that in too many instances the benches of our courts are occupied by men of small talent, undistinguished in performance, technically deficient and inept."

The truth is that we are victims of two costly evils in our horse-and-buggy judicial system: popular election of county, municipal and state judges, a practice which abandons our courts to entrenched party politics; and a scandalous tenure system which allows a judge to hang on "during good behavior" even though he may suffer mental decreptitude, neglect his duties or be otherwise incompetent.

How can we improve this situation?

Run on the Record. Fortunately, there are excellent "model" programs already in operation. The first is the so-called "Missouri Plan" of merit selection, adopted a generation ago to thwart the corrupt Pendergast political machine.* The heart of this plan is a *nonpartisan* nominating panel of seven: three lawyers named by the state bar association, three outstanding laymen appointed for staggered terms by the governor, and a judge as chairman. Whenever an incumbent judge dies, retires or is voted out of office, this panel carefully screens possible replacements, then puts forward a slate of three or more of those it considers the best-qualified candidates. The governor or mayor, depending on who is the appointing power, then fills the judgeship from the recommended slate.

Thereafter, when a judge's term is up, he runs not against another individual and on a party label, but *on his own record.* For example, at the last general election, voters in Kansas City and St. Louis were confronted with this simple judicial ballot: "Shall Judge S. P. Dalton of the Supreme Court of Missouri be retained in office? YES NO (Scratch one)."

To help them decide, voters are given valuable guidance. Before each election, lawyers conduct a poll within their profession

*The plan was drafted by the American Judicature Society. Its basic idea originated with a Northwestern University Law School professor, Dr. Albert M. Kales, as a remedy for scandalous conditions in the courts prior to World War I.

on the candidates' qualifications for retention, and the results are given wide publicity in local news media. In addition, newspapers publish biographies, records of reversals and conduct in office, and make recommendations.

An editorial in the Kansas City Star sums up the proved benefits: "A judge doesn't have to borrow and spend money to conduct a campaign. He is not forced to make political promises to men who control votes. He does not have to answer to a political boss, nor does he need to accept campaign contributions from lawyers who will practice in his court. It is by far the best plan yet devised to keep the bench out of partisan campaigns."

Says Loyd E. Roberts, Joplin attorney and recently president of the state bar association: "Unquestionably, we have better qualified personnel. Excellent lawyers who would not submit themselves to the ordeals of the old political system now agree to serve on our bench."

Says Justice Laurance M. Hyde of the Missouri Supreme Court: "Our judges can now be working on the next case instead of on the *next election*." Since it's no longer necessary to take time out to campaign and mend political fences, the judges are disposing of substantially more cases.

Are there any criticisms of the Missouri Plan?

A few. The most frequent complaint is that the appointive system "takes the judiciary away from the people," and is, therefore, undemocratic. "But the idea that voters themselves select their judges is something of a farce," Judge Rosenman told a meeting of the American Judicature Society. "The real electors are the political leaders who nominate practically whom they choose. The voters, when they reach the judicial part of the ballot, usually vote blindly for the party emblem."

Altogether, the Missouri merit plan has proved a highly significant reform. Today it has been adopted for all or part of the judiciary in Alabama, Alaska, California, Colorado, Florida, Illinois, Iowa, Kansas, Nebraska, Oklahoma, Utah and Vermont. Its adoption or extension is under consideration in some 30 states. Moreover, some jurists feel that its key concept of a nonpartisan nominating commission might strengthen our federal judiciary appointments as well.

Marriage Mills and Golf Games. But getting good judges *onto* the bench still leaves us with the problem of getting bad judges *off*. At present, in most states, once a judge is elected, there is no way to remove him, save by defeat at the polls, rare impeachment or conviction for felony. Federal judges are even harder to remove, since appointment is for life. In some states the highest court holds the power of removal, but it is rarely used. In others, a special Court of the Judiciary may be convened, or disbarment tried, with ultimate removal by the high court. But the procedure is cumbersome and ineffective.

Recognizing this weakness, California a few years ago launched a legislative investigation of its courts. Among other disclosures, this inquiry found that a 68-year-old municipal judge had convened court on only nine mornings in two years. Claiming a heart ailment, he nevertheless managed to play golf—while his backlog of cases mounted. He had collected $33,000 for nine mornings' work!

The investigation also exposed judges who failed to show up in their courtrooms for months at a time because of sickness or age, who indulged in short work weeks and lengthy vacations, who refused to try cases that they believed would be unpleasant or dull, who delayed decisions for so long that they forgot key points in a case. Some ran marriage mills as a flourishing sideline. A few were unable to appear for scheduled trials because of intoxication, or sat on the bench while drunk.

Shocked by these disclosures, California in 1960 voted a constitutional amendment establishing a Commission on Judicial Qualifications. Composed of nine members (five judges appointed by the California Supreme Court, two public members appointed by the governor, two lawyers named by the state bar association), the commission is a permanent body empowered to investigate and consider complaints about the courts at all levels. Upon recommendation of the commission, the Supreme Court may hold a public hearing and remove a judge.

Protecting the Public. Now in its sixth year of operation, the commission works this way:

Any attorney, public official, litigant or private citizen may report a judge for a disability or dereliction. If the commission staff finds that the complaint has merit, it immediately investigates. For example, there were recent complaints that a trial judge,* although only in his 60's, was apparently senile and "doesn't know half the time what he's doing." The commission made a preliminary inquiry, found that the judge was indeed unable to perform his duties and wrote to him requesting an explanation. Within two days, the judge conceded his senile condition and retired on a generous pension.

In another case, the commission investigated a judge who habitually lost his temper and abused counsel and litigants. Confronted with the charges, the judge was profoundly shocked. "I didn't realize this was happening," he pleaded. The man was emotionally disturbed; six months later he resigned his judgeship. Had he not resigned, the commission had power to order medical and psychiatric examination.

In this manner, the commission is keeping tabs on nearly 1000 California judges, from justices of the peace on up. Since its establishment, the commission has received more than 400 complaints, induced 30 judges to resign or quietly retire, and recommended one removal. Although judges have been retired for many reasons, the majority have stepped down because of disabling illness or mental impairment due to age. Nearly all have withdawn without hardship under a state pension.

While the resignations and retirements alone have strengthened the courts, the power of investigation and removal accomplishes something else: it is a perpetual prod and stimulus to judges to conduct themselves as the office demands. A simple registered letter from the commission advising that it is investigating a complaint usually works wonders. Says Superior Court Judge William B. Neeley of Los Angeles, currently commission chairman: "Like all human beings, judges can slip into shoddy attitudes—but they are less likely to do so now that they realize there is a body to whom the public can complain."

Last year, after careful study, the California plan was adopted in Texas district and appellate courts, and currently is being promoted by concerned citizens' groups in half a dozen states. The recent Columbia University conference on the courts strongly endorsed the plan as a model for other states. Sen. JOSEPH TYDINGS of Maryland, chairman of a judiciary subcommittee, has been holding hearings on the program for possible application to the federal bench. At this writing, Sen. HUGH SCOTT of Pennsylvania plans to introduce a bill in Congress to establish a nonpartisan commission to advise the President on federal judicial appointments.

Needed: A Citizens' Campaign. How can you secure the Missouri and California reforms in your state?

To enact such sweeping measures, citizens must gird themselves for a hard, intensive campaign, and be prepared for setbacks. In Missouri, for example, tremendous citizen effort was required. Repeatedly blocked in the legislature, the people finally circulated petitions and won a referendum by 90,000 votes. Within 60 days, the spoils politicians were back again with another petition demanding a repealer. This time the reform carried by 160,000 votes. But there have been still other attempts to knock it out and, ironically, Missouri's rural-dominated legislature has not yet extended the system to the entire state, as have other states like Alaska, Iowa and Nebraska.

In these states, as elsewhere, a vigorous lawyer-layman campaign of public education finally carried the day. In Texas, this combination put over adoption of the California commission idea in just 18 months; the people voted it in 3-to-1. Wherever citizens seek judicial reform, the same teamwork will be required. For, as Judge Rosenman warns, "Only an aroused citizenry can overcome the entrenched political forces, which will always oppose. But this should only multiply our determination to succeed soon!"

*This and other cases cited are disguised, since all procedures and records of the California Commission on Judicial Qualifications are strictly confidential.

ADDITIONAL READJUSTMENT ASSISTANCE TO CERTAIN VETERANS

Mr. MONTOYA. Mr. President, although this Congress has enacted a cold war GI bill of rights for the men and women who are serving their country in the Vietnam conflict, we are still falling far short of providing equitable treatment for this coming group of veterans as compared to the benefits enacted for veterans of World War II and the Korean war.

The recently enacted cold war GI bill narrowed the gap between the treatment afforded members of the armed services in this, the Vietnam conflict period, and that which is afforded to veterans of other conflicts. It has provided for educational assistance, loan guaranty benefits, civil service preference, medical care, and other important benefits.

However, Mr. President, these benefits have only narrowed the gap and have not closed it altogether. Under present law, this country views a person fighting in Vietnam as a peacetime member of the Armed Forces.

This means that most of the members of the Armed Forces who serve during the Vietnam period are deprived of the higher disability rates provides for wartime service, pensions for widows and children, and other basic benefits granted to wartime veterans.

At the present time, veterans of Vietnam are not even entitled to the $250 burial allowance which is provided to all other wartime veterans.

Today, I am introducing a bill which will put an end to these inequities.

This bill which I am introducing today will eliminate the unfair distinction between Vietnam veterans and other veterans by adding the phrase, "Vietnam era," to the list of wars and conflicts for which wartime benefits are provided.

The Vietnam era is defined as beginning on August 5, 1964, the date of the Tonkin Gulf crisis, and ending on a date to be determined by Presidential proclamation or by concurrent resolution of the Congress.

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

The bill (S. 3580) to provide additional readjustment assistance to veterans who served in the Armed Forces during the Vietnam era, and for other purposes, introduced by Mr. MONTOYA, was received, read twice by its title, and referred to the Committee on Finance.

Mr. MONTOYA subsequently said: Mr. President, earlier today I introduced Senate bill 3580 to provide additional readjustment assistance to veterans who served in the Armed Forces during the Vietnam era, and for other purposes. I ask unanimous consent that the bill may lie on the desk until July 16 for the addition of cosponsors.

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

TAX CREDIT FOR THOSE WHO INVEST IN EDUCATION

Mr. GRIFFIN. Mr. President, today I introduce, for appropriate reference, another measure designed to provide encouragement and tax recognition for those who invest in education.

Earlier, on Tuesday of this week, I introduced a bill to correct certain inequities in the Internal Revenue Service regulations relating to tax deductions for teachers.

If enacted, that bill would encourage teachers to improve their education qualifications and to remain within their profession.

The bill I introduce today would provide a credit against the Federal income tax of up to $325 a year for the taxpayer who bears all or part of the expense of a higher education for any person, including himself.

Under this bill, a tax credit would be allowed on 75 percent of the first $200 invested in an individual's education in any year, on 25 percent of the next $300, and 10 percent of the next $1,000. Expenses would include tuition, fees, books, and other materials.

Mr. President, I have long been convinced that the genius of our Nation's education system—the wellspring from which its vitality flows—lies in its diversity. Our educational system is diversified not only in teaching methods, but in philosophy, in curriculum, and in the composition of its varied student bodies.

This diversity in our educational system has contributed greatly to the preservation of our pluralistic society. Indeed, it has played an essential role in the constant battle against mounting pressures toward conformity and centralization.

Although there are great and important differences among America's many colleges and universities, at the same time, they share some common problems. For example, they are caught up in the pressures of rising costs at every turn. More often than not, these rising costs have to be met by increasing tuitions.

I believe that the public is generally aware of this problem and is sympathetic toward it. The extent of public interest is amply demonstrated by the many bills which are introduced each year in Congress proposing various forms of Federal aid to education.

Many of the aid-to-education bills which are dropped in the congressional hopper from time to time, call for new grants of funds to be handed out by the Federal bureaucracy. Often, the outlook for passage of such legislation is overshadowed by the church-state issue as well as the specter of Federal control of education.

On the other hand, by revising our revenue laws to allow a tax credit, we could provide important aid to education in a simple and direct manner that avoids the problems of constitutionality and Federal control.

The tax system can be utilized to provide greater recognition and encouragement for those who invest in education—whether the education is furnished through our public, private, or church-related schools.

Every accredited school serves a valid and essential public purpose, and there is an urgent need for more equitable tax treatment among those who bear the heavy costs involved.

Mr. President, I am confident that a tax credit, such as that proposed in my bill and in other similar bills, could make that extra bit of difference for many families of limited means. In combination with the existing national student loan program—which I was proud to cosponsor in 1958—a tax credit would open the door of opportunity for many talented sons and daughters who might not otherwise be able to go to college.

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

The bill (S. 3581) to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education, introduced by Mr. GRIFFIN, was received, read twice by its title, and referred to the Committee on Finance.

HIGHER EDUCATION AMENDMENTS OF 1966—AMENDMENT

AMENDMENT NO. 635

Mr. CHURCH. Mr. President, title II of the Higher Education Act of 1965 appears to be most explicit in its language and its objective. Stated most simply, it is designed to give some financial aid to college libraries—an incentive base—to encourage those libraries in expanding their inventories.

There appears to be little question that the intent of Congress was to provide this incentive to the smaller colleges and universities. Yet through what appears to be an unanticipated local fiscal situation, the language of one section of title II, setting forth "maintenance of effort" requirements, now serves to deprive at least one worthy institution of the basic assistance grant.

While the situation specifically penalizes Idaho State University, I have been told that other schools have been similarly denied.

In essence, because of the language of the "maintenance of effort" provisions in title II, Idaho State University will lose its eligibility for the basic assistance grants, not because it failed to do enough for its library facilities, but rather, because it did too much.

Section 202 provides a basic assistance grant not to exceed $5,000, but limits such grants to schools that will spend as much as the annual average amount they spent for library improvements in the 2 years prior to June 30, 1965, and also, not less than the amount of the grant.

The intent of that language is quite evident and, I feel, quite reasonable. The institutions should be as much concerned in making the effort to improve their library facilities as is the Federal Government.

Unfortunately, in the case of Idaho State University, the school and the State legislature were too much concerned.

In the 1961, 1962, and 1963 fiscal years, Idaho State University expended an average $42,000 annually on library inventories, using the funds allocated by Idaho biennial legislatures which had met in 1959 and 1961.

When the 37th session of the Idaho State Legislature convened in January of 1963, a new spirit of progress was evident. The problems of State aid to education had become acute and a determined legislature moved to meet financial shortcomings that had plagued Idaho's institutions for many years.

One of the results of that determination was a one-time funding to sharply upgrade Idaho State University library inventories. After an average annual expenditure of $42,000 for the 3 preceding fiscal years, Idaho State University was authorized to nearly double that amount in fiscal 1964, spending $86,055 on its library.

Having made this drastic effort, the legislature and university had no intention of falling back upon the small sums spent prior to 1964. But in Idaho every educational dollar is precious. Accordingly, the legislature authorized $64,297 for fiscal 1965—an amount still $20,000 more than had been spent prior to the one-time upgrading effort. The 1966 fiscal budget authorized $68,547—$24,000 more than the previous average. Quite obviously, Idaho State University is making an outstanding maintenance of effort within the context of section 202 of title II.

But the practical effect of the surge expenditure in fiscal 1964 was to have established an average annual expenditure during the 2-year base period required by section 202 of $75,076. Then, in 1965, although still budgeting 50 percent more than in the 3 years prior to the base period, the Idaho State University budget allowance went to $64,055—or $10,000 less than in the prescribed base period, thus

not meeting the requirement of an annual maintenance of effort equal to the $5,000 of the basic assistance grant.

Clearly, Mr. President, the school had proven its intention of library improvement far beyond any implied requirement of the legislation. But because of one atypical budget year which fell in the period prescribed in section 202, Idaho State University not only could not qualify in 1966 for the basic assistance grant, but would continue to be disqualified in future years unless they received and spent continuously high amounts far in excess of the fiscal capacity of the State and the university.

I do not think, Mr. President, that it was ever the intent of Congress to deprive or penalize a small school for making an unexpected and outstanding improvement of its library facilities. Certainly, at the time that the Idaho State Legislature appropriated the "one-shot" boost to the Idaho State University library in February of 1963, there was no knowledge that a year later Congress would create title II of the Higher Education Act. Nor do I think, Mr. President, that the dedicated people who drafted title II realized that such a situation would occur.

It is to solve the dilemma that Idaho State University and other schools in similar situations have found themselves because of section 202, but without effecting those schools who do use the prescribed base period figures, that I now offer a brief amendment to S. 3047, the Higher Education Act bill now before the Senate.

The amendment reads as follows:

On page 7, between lines 14 and 15, insert the following new part:

"PART C—MAINTENANCE OF EFFORT FOR BASIC GRANTS FOR COLLEGE LIBRARY ASSISTANCE

"Sec. 121. Section 202 (a) (1) of the Higher Education Act of 1965 is amended by adding immediately after 'June 30, 1965' the following: 'or during the two fiscal years preceding the fiscal year for which the grant is requested, whichever is the lesser,'."

Thus, while retaining the original base period for those schools that find it satisfactory, it would allow schools such as Idaho State University to use the 2-year period prior to the year the grant is requested in order to comply with the letter of the law in proof of maintenance of effort. It allows such schools to receive the much-needed basic Federal assistance grant under title II, while maintaining their own library budgets at a realistic and fiscally sound level and does not penalize them for doing too much in a one-time bootstrap effort, simply because that effort happened to fall in the 2 years prior to June 30, 1965.

I have the assurances, Mr. President, of both the U.S. Office of Education and the American Library Association, that such an amendment is not only acceptable to them but that it is necessary in order to correct this unanticipated inequity in title II as it stands today.

Accordingly, Mr. President, I now introduce my proposed amendment to S. 3047 and ask that it be referred to the appropriate committee.

In additional support of the amendment, I have two separate letters, from Dr. Donald F. Kline, director of development and institutional research; and from Mr. Eli M. Obler, university librarian, both of Idaho State University.

I ask unanimous consent that these letters be printed in the RECORD, following the printed version of the amendment.

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

The amendment (No. 635) was referred to the Committee on Labor and Public Welfare, as follows:

On page 7, insert the following:

Between lines 14 and 15, insert the following new part:

"PART C—MAINTENANCE OF EFFORT FOR BASIC GRANTS FOR COLLEGE LIBRARY ASSISTANCE

"SEC. 121. Section 202(a)(1) of the Higher Education Act of 1965 is amended by adding immediately after 'June 30, 1965,' the following: 'or during the two fiscal years preceding the fiscal year for which the grant is requested, whichever is the lesser,'."

The letters presented by Mr. CHURCH are as follows:

IDAHO STATE UNIVERSITY, OFFICE OF THE DIRECTOR, DEVELOPMENT AND INSTITUTIONAL RESEARCH,
Pocatello, Idaho, June 7, 1966.

The Honorable FRANK CHURCH,
Senate Office Building,
Washington, D.C.

MY DEAR SENATOR CHURCH: As you know from our earlier discussions, we have had some difficulty in complying with the letter of the law in relation to Title II of the Higher Education Act. This title provides for basic Institutional Assistance Grants for libraries, providing the institution can show a "maintenance of effort" and meet other requirements.

Attached is a breakdown of our Library's expenditures from 1960 through 1965. You will note a steady increase in the state's effort to improve the library resources of Idaho State University. Unfortunately, we would have been unable to qualify for the basic Institutional Assistance Grant because of the unusual expenditures in 1963 and 1964. These expenditures resulted from a significantly greater appropriation from the Legislature in order to assist us in the development of our library facilities. Because of our state effort we seem, therefore, to have jeopardized our ability to qualify for a Title II grant.

I suspect that other institutions may have experienced similar difficulties, especially those institutions that may have received a significant contribution from private sources or, as in the case of Idaho State University, received significantly greater appropriations from the state legislature creating atypical expenditures during the two years that must be used as the base years, according to the law.

You will be pleased to learn that in this instance we were able to combine our library expenditures with those in our Department of Audio-Visual Services and by increasing our budget for 1965, met the legal requirements for this year.

I would strongly recommend, Senator, that legislation be drafted to amend this title of Public Law 89-329 to provide that an institution may use the 1963, 1964, and 1965 data or permit them to use the two fiscal years preceding the fiscal year for which the grant is made, whichever is the lesser.

My analysis of the legislation suggests that it is the intent of the Congress to improve libraries at institutions similar to Idaho State Univerity. Unfortunately, there is nothing in the committee hearings, or in the recorded testimony, or arguments on the floor of the Senate that reflects the intent of Congress. The law must, therefore, be administered rigidly, and institutions that have atypical expenditures during the "base years" are automatically eliminated from consideration. The expenditures at I.S.U. for library resources are, in my opinion, typical of this problem.

Any assistance that you can give us in amending the present legislation will be most sincerely appreciated.

Respectfully yours,
DONALD F. KLINE, *Director.*

Analysis of Library expenditures, 1960–61 to 1965–66

	1960–61	1961–62	1962–63	1963–64	1964–65	Budget, 1965–66
Total expenditures [1]	$143,332	$157,972	$173,451	$231,220	$212,633	$235,511
Total capital outlay: Expenditures	41,899	45,040	47,138	91,095	67,556	74,329
Less capital equipment	1,373	3,920	2,647	5,040	3,259	5,782
Total books, periodicals, and binding	40,526	41,120	44,491	86,055	64,297	68,547

[1] Includes salaries and wages, travel, other expense, and capital outlay.

THE LIBRARY,
IDAHO STATE UNIVERSITY,
Pocatello, Idaho, June 10, 1966.

The Honorable FRANK CHURCH,
Senator from Idaho, Senate Office Building,
Washington, D.C.

DEAR FRANK: As you have already been informed, this library has had some difficulty in matching the "maintenance-of-effort" requirements as stated in "Guidelines for Fiscal Year 1966 Only: The College Library Resources Program", as issued by the U.S. Office of Education in May, 1966, to define the requirements for getting the basic grants for library materials under Title II, Part A, Section 202 of the Higher Education Act of 1965: Public Law 89-329.

According to the maintenance-of-effort requirements, "the applicant institution . . . will expend . . . during the fiscal year ending June 30, 1966 (from non-Federal funds) for *all allowable library purpose expenditures* in . . . an amount at least equal to the average annual amount it expended from other than Federal sources, for allowable library purposes . . . during the two year period ending June 30, 1965. . . ." Also it is required that "the applicant institution . . . will expend during the fiscal year ending June 30, 1966, from non-Federal funds for *allowable library materials*, an amount at least equal to the average annual amount it expended from other than Federal sources, for allowable library materials during the two-year period ending June 30, 1965. . . ." The details of what funds are excluded for matching purposes are indicated on page 5 of the attached 2 pages.

As you know, the Idaho State University Library could *not* match, in funds from strictly library expenditures, the "average annual amount spent for such use . . . during the two-year period ending June 30, 1965 . . .", as pertains to strictly "allowable

library materials". Interpretation was made by the Department of Education attorney that enabled us to match by using expenditures on audio-visual services, which are not really under the control of the ISU Library, but were stated as meeting the legal requirements for this year.

The reason for our not being able to match is that for biennium 1963–65 the library was granted an exceptionally large amount as a more or less "one-shot" effort by the State of Idaho to help improve our library resources. It was not planned that this would continue during the succeeding biennium at the same rate, and therefore there was an indicated decrease for 1964–65 and for 1965–66. We will probably not get back, as far as funds coming to us from State funds, to anything close to our library materials expenditures until the biennium 1967–69, when it will again come up to and probably beyond this increase.

Since this kind of situation might recur, has undoubtedly occurred in other states, and also because, particularly in those institutions which get significant amounts from private sources, this could occur regularly where those contributions vary from year to year, I urge that you promote legislation to amend Title II of the Higher Education Act of 1965 to provide that an institution may *either* use the 1963–64–65 figures, or else use the two fiscal years *immediately* preceding the fiscal year for which the grant is made, whichever is the lesser.

I do not believe it was the intent of Congress, when passing the Higher Education Act of 1965, to penalize institutions which just happen to have somewhat larger amounts one year than another, within the base period being used. We certainly can indicate a maintenance-of-effort, so far as *general* increase in amount spent for the library, but there will be variations in particular years and variations within the biennium, especially when an institution such as ours is suddenly thrust in a position of going from a college to a university and is given constantly added responsibilities by the State, so far as number of students involved and additions to curriculum are concerned.

Anything you can do to amend Title II, so we shall not run into troubles for the succeeding 4 years of this law of a nature similar to those we ran into for 1965–66, will be very much appreciated.

Sincerely,

ELI M. OBOLER,
University Librarian.

AMENDMENT OF DISTRICT OF COLUMBIA ALCOHOLIC BEVERAGE CONTROL ACT—AMENDMENT

AMENDMENT NO. 636

Mr. SCOTT submitted an amendment, intended to be proposed by him, to the bill (H.R. 10744) to amend the District of Columbia Alcoholic Beverage Control Act, which was referred to the Committee on the District of Columbia, and ordered to be printed.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTION

Mr. SPARKMAN. Mr. President, I ask unanimous consent that at its next printing the names of the following Senators be added as cosponsors on S. 3522, the Agricultural Trade Statistics Reporting Act of 1966: The Senators from Idaho [Mr. JORDAN and Mr. CHURCH], the Senator from Colorado [Mr. ALLOTT], the Senator from Illinois [Mr. DOUGLAS], and the Senator from Washington [Mr. MAGNUSON].

The distinguished Senator from Illinois had expressed his wish to join in this proposal before the bill was printed, and we are pleased to have this indication of his interest in the legislation.

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

Mr. METCALF. Mr. President, at the request of the Senator from Illinois [Mr. DOUGLAS], I ask unanimous consent that his name be included at its next printing as a sponsor of S. 3210 introduced by Senator BAYH of Indiana to give the consent and approval of Congress to the Illinois-Indiana Air Pollution Control Compact.

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

Mr. ERVIN. Mr. President, I ask unanimous consent that at its next printing the name of the distinguished junior Senator from Delaware [Mr. BOGGS] be added as a cosponsor to Senate Joint Resolution 172.

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

EXTENSION OF TIME FOR BILL TO BE HELD AT THE DESK

Mr. MUNDT. Mr. President, on behalf of the Senator from Michigan [Mr. GRIFFIN], I ask unanimous consent that the bill (S. 3565) to amend the Internal Revenue Code of 1954 to provide for deduction of certain education expense of teachers, to be held at the desk for additional cosponsors until July 15, instead of July 11, as previously authorized.

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

NOTICE OF HEARINGS ON PARCEL POST BILL

Mr. MONRONEY. Mr. President, I wish to announce that the Committee on Post Office and Civil Service will commence hearings on H.R. 14904, the parcel post bill, on July 12, 1966. The hearings will be held in room 6202 of the New Senate Office Building at 10 a.m.

Any person interested in testifying may arrange to do so by contacting the committee, telephone: 225–5451.

NOTICE OF HEARINGS ON 4-YEAR TERM FOR MEMBERS OF THE HOUSE OF REPRESENTATIVES

Mr. BAYH. Mr. President, as chairman of the Senate Judiciary Subcommittee on Constitutional Amendments, I wish to announce forthcoming hearings on 4-year terms for Members of the House of Representatives. The hearings are scheduled to begin at 10 a.m., July 13 and 14, 1966, in room 1114, New Senate Office Building.

Any persons or organizations interested in presenting their views to the subcommittee should contact the subcommittee staff in room 419, Senate Office Building, extension 3018.

NOTICE OF RECEIPT OF NOMINATIONS

Mr. FULBRIGHT. Mr. President, as chairman of the Committee on Foreign Relations, I desire to announce that today the Senate received the nominations of William S. Gaud, of Connecticut, to be Administrator of the Agency for International Development; Dr. Walter Adams, of Michigan; Dr. Joseph R. Smiley, of Colorado; and, Dr. Pauline Tompkins, of Maine for reappointment as members of the U.S. Advisory Commission on International Educational and Cultural Affairs.

In accordance with the committee rule, these pending nominations may not be considered prior to the expiration of 6 days of their receipt in the Senate.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, June 30, 1966, he presented to the President of the United States the enrolled joint resolution (S.J. Res. 162) to establish the American Revolution Bicentennial Commission, and for other purposes.

NATIONAL AIR MUSEUM AMENDMENTS ACT OF 1965

Mr. CURTIS. Mr. President, yesterday, the bill—H.R. 6125—to amend Public Law 722 of the 79th Congress, and Public Law 85–935, relating to the National Air Museum of the Smithsonian Institution was considered by the Senate and passed.

During the consideration of this measure by the Committee on Rules and Administration, I voiced serious concern at the expenditure of large sums for the construction of museums while this country is expanding its war expenditures in Vietnam.

During the committee's early consideration of this bill, I expressed my opposition to the measure until such time as our Federal budget was balanced and an end had come to the hostilities in Vietnam.

The majority of the members of the Committee on Rules and Administration did agree with me that there should be no appropriation of funds for construction of this museum until such time as the President determined that the Armed Forces of the United States are no longer engaged in hostilities in Vietnam and so advises the Committee on Appropriations of the Senate and the House of Representatives.

In the committee report on this measure, there was clear and unequivocal language expressing the concern of the members over funding at the present time. Moreover, the committee report expressly states that—

> Appropriations should not be requested pursuant to H.R. 6125 unless and until there is a substantial reduction in our military expenditures in Viet Nam.

I fail to see how the committee could have expressed its intentions any more clearly. Yet, a story in this morning's

Washington Post of June 30, 1966, indicates that Smithsonian Secretary S. Dillon Ripley said that construction funds would be sought in the next Congress.

If the Post story is correct, it would appear that Mr. Ripley has either not read the committee report, or that he has indeed read the report and has no intention of following the recommendations of the committee.

I hope that the Appropriations Committees of both the Senate and the House of Representatives will give more weight to the report of the Senate Rules Committee than the officials of the Smithsonian Institution.

NATIONAL AIR AND SPACE MUSEUM WILL BE EDUCATIONAL AND INSPIRATIONAL SITE FOR MILLIONS OF OUR CITIZENS—SENATOR RANDOLPH AUTHORED ORIGINAL ACT OF 1946

Mr. RANDOLPH. Mr. President, I wholeheartedly endorse H.R. 6125, the National Air Museum Amendments Act, and applaud the action of the Senate in passing it yesterday. This bill would change the name of the National Air Museum of the Smithsonian Institution to the National Air and Space Museum. It would also authorize construction of a modern and attractive building in which to display items of historic and educational interest in the fields of aviation and space achievement.

This measure has been approved by the House of Representatives. It is substantially similar to S. 2602 of the 88th Congress, a bill which I cosponsored, and which passed the Senate on July 23, 1964.

Mr. President, where a Member of the House of Representatives in 1946, it was my privilege to introduce the original legislation which established the National Air Museum. Since the day when Public Law 722 of the 79th Congress was signed into law by President Harry S. Truman, our Nation has continued to achieve through aviation. Today we are pushing back the frontiers of space and rapidly expanding man's knowledge of the vast universe in which we live. Our astronauts engage in "space walks" and "docking" hundreds of miles beyond the earth's atmosphere. Our Mariner satellite has achieved a soft landing on the moon, and a wealth of new scientific data has now been transmitted back to pave the way for a manned lunar landing.

In the attractive and functional buildings which this legislation envisions, we will be able to gather the impressive memorabilia of our exploits above the surface of the earth. The collection will do much to stimulate an even keener interest in air and space science. It will provide visitors with an opportunity to view the actual aircraft and spacecraft in which brave men have blazed a trail of scientific progress. Millions will take advantage of this unique experience—perhaps as many as 50 million in the first decade of the museum's existence. They will depart with a richer appreciation of our history and a clearer concept of what our goals must be in a world of accelerating change.

Mr. President, as one whose career has been closely associated with aviation, I am certain now, as I was convinced in 1946, that the National Air and Space Museum will be an invaluable asset in the education and inspiration of American and world youth. The enactment of H.R. 6125 will ultimately enrich the lives of millions.

AIR MUSEUM BUILDING SHOULD BE POSTPONED

Mr. COOPER. Mr. President, I will appreciate the interest in the National Air Museum, and I know the attention given this project by my distinguished friend from West Virginia [Mr. RANDOLPH] and by Senator PELL and other Members of the Senate.

When the Senate took action on H.R. 6125 yesterday to authorize, among other matters, funds to construct a suitable building for the National Air and Space Museum of the Smithsonian Institution, the bill was considered in the afternoon after the major business of the day had been completed, and previous notice of consideration of the bill was not given.

I know that many Members had left the floor to keep official engagements, as had I, and there was no discussion of the bill on the floor. Because I serve on the Rules and Administration Committee which has jurisdiction over this legislation, I wanted the record to show my views on this bill.

I recognize the need to construct eventually the new building for this museum. Nevertheless, because of the war in Vietnam and because of the priority of its cost, I urged strongly to the committee that action on this bill be deferred.

I opposed reporting this bill, which carries an estimated cost of over $40 million for the museum building. I believe that at least the authorization of the building should have contained language clearly showing that no appropriation would be in order in fiscal year 1967 while the requirements of the war in Vietnam remain so heavy. The President did not ask the Congress for this authorization at this time, and it should have been postponed.

CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to consideration of measures on the calendar beginning with Calendar No. 1313 and continuing with the succeeding measures in sequence.

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

CONNECTICUT RIVER NATIONAL RECREATION AREA

The bill (S. 3510) to authorize the Secretary of the Interior to study the feasibility and desirability of a Connecticut River National Recreation Area, in the States of Connecticut, Massachusetts, Vermont, and New Hampshire, and for other purposes was announced as first in order.

Mr. RIBICOFF. Mr. President, I commend the Committee on Interior and Insular Affairs for their prompt action in favorably reporting S. 3510, my bill to authorize a comprehensive study to determine the feasibility of establishing a Connecticut River National Recreation Area. I express my deep appreciation to the chairman of the committee, the distinguished Senator from Washington [Mr. JACKSON] for his understanding and cooperation. I also wish to commend particularly the distinguished senior Senator from Nevada [Mr. BIBLE] and his Subcommittee on Parks and Recreation for their courtesy, help, and vision in reporting the bill.

The passage of the bill today will bring us another step forward toward meeting the legitimate needs of the American people for outdoor recreation. It is a step toward scenic beauty—and just plain peace and quiet—for the 1,680,000 people who now live in the Connecticut Valley itself. That number will be over 3 million by the year 2000. More than one-fifth of America's population already lives in the strip of land between southern New Hampshire and the District of Columbia—less than 2 percent of the area of the United States.

It is the wisdom and the foresight of the men who built our great system of national parks that gave us the magnificent parks of the American West. As an easterner, I have consistently supported our park system and take pride in the American West. Now we have begun to move vigorously to provide national parks and recreation areas in the urban East where they are also badly needed.

Our cities and towns need breathing space. We, and our children, at some time all need places to play, hills to climb, quiet woods and open space. The Connecticut River rolls for more than 400 miles through central New England. Its valley is still surprisingly undeveloped in the midst of a growing industrial megalopolis.

But the time for preservation is rapidly running out. If the banks of the Connecticut River are to be saved, the time for action has come. Our woods and fields, our lakes and rivers are precious assets which must be saved now or not at all. The Connecticut River and its beautiful valley are in this generation's care and we must preserve what we have—or lose it forever.

The bill is a major step in that direction. The Senators from all the States in the Connecticut Valley have joined in cosponsoring it. It is supported by the Governors. It is supported by the President and the Secretary of the Interior. Most important of all, it is supported by the people.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (S. 3510) was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3510

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to consider preserving the Connecticut River area and appropriate segments of adjoining land in their natural condition for public outdoor recreation, and preserving the priceless natural beauty and historic heritage of the river valley, the Secretary of the Interior shall study, investigate, and formulate recommendations on the feasibility and desirability of establishing all or parts of the

Connecticut River Valley from its source to its mouth, in the States of Connecticut, Massachusetts, Vermont, and New Hampshire, as a Connecticut River National Recreation Area. The Secretary shall consult with other interested Federal agencies, and the State and local bodies and officials involved, and shall coordinate his study with applicable highway plans and other planning activities relating to the region. In conducting the study, the Secretary shall hold public hearings within any State involved, upon the request of the Governor thereof, for the purpose of receiving views and recommendations on the establishment of a national recreation area.

SEC. 2. The Secretary of the Interior shall submit to the President, within two years after the date of this Act, a report of his findings and recommendations. The President shall submit to the Congress such recommendations, including legislation, as he deems appropriate. The Secretary's report shall contain, but not be limited to, findings with respect to—

(a) the scenic, scientific, historic, outdoor recreation, and the natural values of the water and related land resources involved, including driving for pleasure, walking, hiking, riding, bicycling, swimming, picnicking, camping, forest management, fish and wildlife management, scenic and historic site preservation, hunting, fishing, and winter sports;

(b) the potential alternative beneficial uses of the water and related land resources involved, taking into consideration appropriate uses of the land for residential, commercial, industrial, agricultural, and transportation purposes, and for public services; and

(c) the type of Federal program that is feasible and desirable in the public interest to preserve, develop, and make accessible the values set forth in subsection (a), including the consideration of scenic roads or parkways, and that also will have a minimum impact on other essential operations and activities in the area, and on private property owners.

SEC. 3. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1345), explaining the purposes of the bill.

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

BACKGROUND

On August 26, 1965, Senator RIBICOFF introduced S. 2460, a bill to authorize the establishment of the Connecticut River National Parkway and Recreation Area, in the States of Connecticut, Massachusetts, Vermont, and New Hampshire, and for other purposes. The bill was cosponsored by Senators COTTON, DODD, KENNEDY of Massachusetts, SALTONSTALL, and MCINTYRE.

In its report of April 22, 1966, the Department of the Interior stated that although they were sympathetic with the preservation and recreational use objectives of the bill which are greatly in need of accomplishment near urban population centers of the United States, they did not have sufficient information to recommend the establishment of the proposed Connecticut River National Parkway and Recreation Area. They recommended that a study should be conducted before bills of this kind are considered by the Congress.

Hearings on the measure were conducted by the Parks and Recreation Subcommittee on April 22, 1966. As a result of the testimony presented at the hearings, it was agreed by the sponsors and the committee that the position of the Department of the Interior was sound and that the proposed legislation should be changed to authorize a study prior to any proposal to establish a recreation area.

Thereafter, on June 16, 1966, Senator RIBICOFF, joined by all of the Senators in the States included in the Connecticut River Basin, introduced S. 3510 to authorize the Secretary of the Interior to study the feasibility and desirability of a Connecticut River National Recreation Area in the States of Connecticut, Massachusetts, Vermont, and New Hampshire. As an indication of the unanimity of the Members of the Senate on S. 3510, Senators AIKEN and PROUTY, who did not join in the introduction of S. 2460, are cosponsors of S. 3510, the study bill.

PURPOSE

S. 3510 would authorize the Secretary of the Interior to conduct and complete within 2 years of enactment a study in cooperation and coordination with other interested Federal agencies, and appropriate State and local agencies and officials. Upon request of the Governor of any State involved, the Secretary would be required to hold public hearings to receive views and recommendations. The Secretary's study would evaluate the valley, or portions thereof, for a wide range of recreational uses, and would evaluate also other uses, including agricultural, of the valley under existing and alternative patterns of private and public ownership and development. The study by the Secretary would be so directed that its recommendations would have a minimum impact on existing operations and activities in the area and on private property owners. Upon completion of the study the Secretary would submit his findings to the President, who in turn would recommend legislation to the Congress.

This bill has the support of the President, who stated in his message to the Congress on water pollution and outdoor recreation:

"For a region which now has no national park, I recommend the study of a Connecticut River National Recreation Area along New England's largest river, in the States of New Hampshire, Vermont, Massachusetts, and Connecticut."

The Committee on Interior and Insular Affairs unanimously recommends enactment of S. 3510.

WOLF TRAP FARM PARK, FAIRFAX COUNTY, VA.

The Senate proceeded to consider the bill (S. 3423) to provide for the establishment of the Wolf Trap Farm Park in Fairfax County, Va., and for other purposes which had been reported from the Committee on Interior and Insular Affairs with an amendment on page 2, line 11, after the word "necessary", to insert "but not in excess of $600,000,"; so as to make the bill read:

S. 3423

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of establishing in the National Capital area a park for the performing arts and related educational programs, and for recreation use in connection therewith, the Secretary of the Interior is authorized to establish, develop, improve, operate, and maintain the Wolf Trap Farm Park in Fairfax County, Virginia. The park shall encompass the portions of the property formerly known as Wolf Trap Farm and Symphony Hill in Fairfax County, Virginia, to be donated for park purposes to the United States, and such additional lands or interests therein as the Secretary may acquire for purposes of the park by donation or purchase with donated or appropriated funds, the aggregate of which shall not exceed one hundred and forty-five acres.

SEC. 2. The Secretary of the Interior shall administer the park in accordance with the provisions of section 1 of this Act and the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1–4), as amended and supplemented.

SEC. 3. There are authorized to be appropriated such sums as may be necessary, but not in excess of $600,000, to carry out the purposes of this Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. METCALF. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

Mr. BIBLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1346), explaining the purposes of the bill.

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

PURPOSE

The purpose of the amendment is to limit the authorization for the acquisition and development of the property to the amount testified to by the Park Service as the amount necessary to carry out its plans.

S. 3423 was introduced by Senator ROBERTSON of Virginia on May 27, 1966, in response to an executive communication dated May 25, 1966, recommending the enactment of the draft legislation that was a part of the communication.

The purpose of S. 3423 is to permit the Secretary of the Interior to accept a donation of some 96 acres of land within 13 miles of Washington, D.C., for the purpose of establishing a park for the performing arts and which would provide opportunities for educational and recreational programs.

Mrs. Jouett Shouse, the present owner of Wolf Trap Farm, has also agreed, and has placed in escrow, $1,750,000 to be used for the construction of an amphitheater on the property. Of the 96 acres, Mrs. Shouse will donate approximately 58 acres and the American Symphony Orchestra League will donate 37.8 acres of land contiguous to the Shouse property and a part of the original Wolf Trap Farm.

In his testimony before the committee, in support of the measure, Senator ROBERTSON placed in the record a statement from the principal donor, Mrs. Catherine Shouse. A portion of her testimony is well worth repeating, and it is quoted here:

"It seems fitting to us to give this land to the National Park Service rather than to develop it in lucrative ways. The national parks throughout our country are of tremendous help and spiritual value to millions but none provide two features that will make this park unique. One feature is the interpretive use. It is important to have near our Capital a central place where visitors from our country and abroad can see, through exhibits and other visual media, the extent of our creative ability in the field of performing arts. We have much to be proud of in every State of the Union and knowledge of it will become available at this interpretation center.

"The second unique feature—cabins are ordinarily provided for campers, hunters,

hikers, fishermen, etc., in other national parks. Instead, these cabins would provide a quiet, useful and natural atmosphere for serious composers and writers in the area of the performing arts.

"Thus, in addition to providing an opportunity to enjoy a bit of country bordering on a historic site, young and old would be given an opportunity to learn of our cultural development and maturity, plus the chance to hear new and seasoned artists from many places."

The committee seldom encounters such public-spirited, altruistic individuals who seek to make available to the general public the benefits that are not often available to the many, and the action of Mrs. Shouse and the American Symphony Orchestra League was a particularly gratifying one to the committee.

Testimony by the Park Service indicated that in order to properly protect the donated area from the possibility of encroachment of facilities that would mar the setting of the park, it would be necessary to purchase some 20 acres of adjoining land and to acquire a scenic easement to an additional 20 acres. The estimated cost of the land acquisition was approximately $107,500. The cost of developing the property within the foreseeable future was estimated at $476,500.

In view of this testimony, and in conformity with its customary practice, the committee has included a limitation of $600,000 on the authorization for appropriation of funds to carry out the purposes of the act.

PRESERVATION AND PROTECTION OF CERTAIN LANDS IN PRINCE GEORGES AND CHARLES COUNTIES, MD.

The bill (H.R. 13417) to amend the act of October 4, 1961, to facilitate the efficient preservation and protection of certain lands in Prince Georges and Charles Counties, Md., and for other purposes was announced as next in order.

Mr. BREWSTER. Mr. President, the preservation of our country's many scenic, historic, and recreational assets is a goal toward which I am firmly committed. That is why I am urging the enactment of this legislation which is aimed at the purchase of land along the Potomac River above and below Mockley Point in Prince Georges and Charles Counties, Md.

The acquisition of this tract together with the unique program of land management contained in this bill would act to preserve the overview from Mount Vernon and Fort Washington—two of America's important historic sites.

Having already been passed by the House, H.R. 13417 has been approved by the Senate Committee on Interior and Insular Affairs without change. This measure authorized more than $4.1 million to allow the government to complete parkland purchases at Piscataway Park which were originally authorized in 1961. To date, of the 1,114 acres authorized by the 1961 act for Federal ownership by acquisition or donation, 97 acres have been purchased, 151 acres have been donated, and 345 acres have been pledged for donation. The Department of the Interior estimates that the cost of acquiring the remaining 521 acres would be $3.7 million.

Aside from the purchase aspect, the legislation will also provide what I consider an intelligent land management program for the acquired parkland. It proposes the establishment of three land use zones: First, public development; second, preservation; and third, private development. Within the public development zone, roads, camping sites, and other facilities would be installed in inconspicuous areas. Under the preservation zone, natural, historic, and scientific features would be preserved and open to public access by trails. The private development zone would permit the continuation of private uses, such as farming, which are compatible with park objectives. In this last zone, the bill would in addition allow the Department of the Interior to acquire fee simple title and then lease back the land with restrictive easements to permit continued uses compatible with the park setting. This lease-back feature incorporates the advantage of keeping private property on local tax rolls while insuring a parkland setting.

Two factors appear to me to make the passage of the bill a critical matter. The first is that the prospect of skyrocketing land costs may make the completion of this park impossible. The second reason stems from the 1961 act which also authorized the donation of scenic easements by private property owners on land adjacent to the park. I was pleased to learn that since 1961 no less than 127 landowners have donated easements covering 888 acres. However, the Government stands to lose both these easements and those of remaining property owners who are expected to follow suit if it does not fulfill its commitment to purchase the remaining 521 acres of the authorized parkland.

I believe this pilot project has great potential for other areas of the Potomac River Valley. It can be a model for preserving our Nation's natural beauty through the use of land management zoning, lease-back arrangements, and scenic easements which will prove not nearly as costly as the alternative method of outright acquisition.

I may also say that I was gratified and delighted to see that the distinguished senior Senator from Nevada [Mr. BIBLE] took a genuine, personal interest in this bill.

I hope that all Senators will conclude, as I have, that this legislation represents an intelligent and realistic approach to the growing problems of the preservation of our country's natural beauty and heritage, and I urge them to pass the bill.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1347), explaining the purposes of the bill.

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

PURPOSE

The purpose of H.R. 13417 is to update the act of October 4, 1961 (75 Stat. 780), under which the Secretary of the Interior was authorized to acquire certain lands and interests in land on the Maryland side of the Potomac River opposite Mount Vernon.

NEED

The act of October 4, 1961, contemplated the acquisition of fee title to approximately 1,186 acres of land and the acquisition of scenic easements covering an additional area principally in order to preserve the view from Mount Vernon in approximately the same condition it was in when George Washington resided there. In reporting on the bill which became this act, the Interior and Insular Affairs Committee said that it "regard[ed] preservation of the view from Mount Vernon as being of almost the same importance as preservation of the land immediately surrounding Mount Vernon itself" (H. Rept. 1045, 87th Cong.). This is still true. Two additional purposes, however, will be served by acquisition of this area: (1) the provision of a small public park in the vicinity of Washington, and (2) the conservation of an area with significant archeological value.

At the time the 1961 act was under consideration in the House, the estimated cost of acquiring the lands in question was $937,600. This estimate was based on then recent land transactions and on the expectation that a sizable acreage would be donated to the Government.

A certain amount of progress has been made in carrying out the program contemplated by the 1961 act. Fee title to 151 acres and scenic easements covering 888 acres have been donated to the Government. Promises of the donation in fee of another 345 acres have been received by the National Park Service. Ninety-seven acres have been acquired by purchase. The cost of these latter lands, however, has made it apparent that the amount presently authorized to be appropriated will be far from sufficient to acquire the remaining 521 acres that should be purchased or, if necessary, condemned.

The very substantial escalation in land prices in the area from those that were thought to prevail at the time of the committee's hearings on the 1961 act is thus the most important of several factors that have intervened in the meantime and that justify congressional reexamination of the act. A second factor is a recommendation by the Department of the Interior for desirable changes in the boundaries of the area to be acquired and, as a consequence, a small diminution of the area to be acquired. A third is the development by the National Park Service of a concept, in which the committee heartily concurs, under which certain land within the park will be acquired for and designated as a public use area, certain other land as a preservation area, and still other land as a private development area.

The public use zone will be devoted to such installations as campsites, roads, an interpretive center, and the like. The preservation zone is made up of areas which will not tolerate heavy public use. Typical is a site which was occupied by various Indian tribes over a long period beginning, perhaps, as much as 5,000 years ago. Within the private development zone uses compatible with the purposes for which the park was established will be permitted to continue. Such uses are farming, grazing, orchards, and the like. While the bill permits the fee acquisition of land within this zone with provision for leasing or selling it under appropriate restrictions, the first attempt will be to acquire less-than-fee interests at a reasonable price. In either event—that is, whether the fee is acquired or whether something less than fee will be sufficient—the cost to the Government will be less than it would be if the land were acquired outright and retained for the sole use of the Government.

The present status of these three classes of land is as follows:

	Acquired or promised for donation	To be acquired by purchase	Total
Public use	191	77	268
Preservation	368	172	540
Private development	34	272	306
Total	593	521	1,114

COMMITTEE CONSIDERATION

During the hearings on the proposal, the committee gave careful consideration to the present status of the Marshall Hall lands, particularly as to whether this bill affected or changed their status from that established in the act of October 4, 1961.

In reply to Chairman BIBLE's question, "What do you propose to do insofar as Marshall Hall is concerned?" Mr. George B. Hartzog, Director of the National Park Service, responded:

"We propose to acquire scenic easements, sir, and that is all. That is what the 1961 legislation authorized. And that is what the pending legislation authorizes, because we propose no amendment in the 1961 legislation, you see. All we are doing with this legislation is submitting to you a corrected map, the boundary lines of which reflects in this particular area only the 1961 authorization. In other words, the effect of this boundary line here is to effectuate the legislation that was passed in 1961."

Mr. Ernest F. Henry, director of and counsel for Marshall Hall Park, Inc., disagreed with Director Hartzog's statement and testified that:

"The effect of the changes in language proposed for the first sentence of section 2(b) and the first sentence of section 2(c) of the act of October 4, 1961, under which we are now operating (75 Stat. 780; Public Law 87-362), is to enlarge the "scenic protection area" so as to include all the acreage of Marshall Hall Park whereas the said act authorized only scenic easements as to that part of such acreage as lies on the easterly side of the Maryland State highway."

In order to clarify the situation for the benefit of the committee, the chairman requested Chief Counsel Stewart French of the Interior and Insular Affairs Committee to research the problem and advise the members of his findings and opinion in the matter.

The memorandum of counsel, completely supporting the position of Director Hartzog, follows:

"Memorandum to: Senator ALAN BIBLE.

"From: Stewart French.

"Subject: Jurisdiction of Secretary over Marshall lands.

"From the provisions of Public Law 87-362 (75 Stat. 780) and the statute's legislative history, it appears that the Secretary of the Interior now does have specific authority to acquire, by condemnation, scenic easements in the Marshall Hall lands.

"Section 2(c) of the law provides:

" 'To further the preservation objective of this Act the Secretary may accept donations of scenic easements in that land within the described area now leased and operated by the Marshall Hall Park, Inc., as more specifically described in a deed, recorded in the land records of Charles County, Maryland, in folio 126, liber 131, and the area lying between the South boundary line depicted in drawing numbered 1961-1, referred to in section 2(b) and a line approximately 3,000 feet south of said boundary. The Secretary may also acquire by other appropriate means scenic easements in the area referred to in this subsection when, in his judgment, such action is necessary in order to assure uniform application of scenic control. * * *'

"At our hearing, Director Hartzog submitted a certified copy of the deed cited above together with a plat showing the area which is the subject of the deed. Said area appears to be the Marshall Hall area, which was the subject of the 1961 act. Another plat submitted by the Park Service shows the area described in the deed includes lands on both sides of State Highway 226; that is, lands to the west and south, which recently were acquired by Marshall Hall.

"However, even without the description in the deed, the legislative history of the 1961 act clearly establishes the intent of the legislation that the Secretary be authorized to acquire, by condemnation, if necessary, scenic easements in the then Marshall Hall lands. Public Law 87-362 is based on Senate Joint Resolution 97, 87th Congress, an administration bill sponsored by Senator ANDERSON, who then was chairman of the committee, and Congressman SAYLOR's House Joint Resolution 459. Our committee reported the House resolution, without amendment. The House report, Report 1045, 87th Congress, to accompany House Joint Resolution 459, states that the committee amended the bill to correct "the land description to exclude the Marshall Hall area from the lands to be taken in fee and to include it, instead, in the area to which scenic easements are to be acquired."

"The House report also states that 'the land and scenic easements to be acquired will include nearly everything on the opposite side of the Potomac that can be seen from Mount Vernon.'

"Both House and Senate reports site economy as the reason for exclusion of Marshall Hall from the fee simple condemnation area.

"STEWART FRENCH."

COST

The amount authorized to be appropriated by the 1961 act was $937,600. Of this $391,132 has been appropriated up to this time. Enactment of H.R. 13417 will increase the original $937,600 to $4,132,000. It is anticipated that the net cost, however, will be somewhat less than this in view of the sell-back and lease-back provisions referred to above.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

The bill (H.R. 13417) was considered, ordered to a third reading, read the third time, and passed.

TO INCREASE THE AUTHORIZATION FOR APPROPRIATION FOR CONTINUING WORK IN THE MISSOURI RIVER BASIN BY THE SECRETARY OF THE INTERIOR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1308, S. 3186, which will be the last bill on the calendar to be considered today.

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

The LEGISLATIVE CLERK. A bill (S. 3186) to increase the authorization for appropriation for continuing work in the Missouri River Basin by the Secretary of the Interior.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

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

Mr. METCALF. Mr. President, I ask unanimous consent that the Committee on Interior and Insular Affairs be discharged from the further consideration of H.R. 14312.

The PRESIDING OFFICER. Without objection, it is so ordered. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 14312) to increase the authorization for appropriation for continuing work in the Missouri River Basin by the Secretary of the Interior.

Mr. METCALF. Mr. President, I ask unanimous consent that the Senate proceed to its consideration.

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

Mr. METCALF. Mr. President, H.R. 14312 is substantially the same as S. 3186, which was reported by the Committee on Interior and Insular Affairs.

Mr. McGOVERN. Mr. President, I am pleased to have this opportunity to support the proposed increase in the authorization for appropriations to continue work in the Missouri River Basin by the Secretary of the Interior. I wish to thank the chairman of the Interior Committee's Subcommittee on Water and Power, the gentleman from New Mexico [Mr. ANDERSON], and Chairman JACKSON of the full committee, as well as all my fellow committeemen, for prompt and favorable handling of the bill.

The bill will increase by $60 million the present authorization for appropriations for work to be performed in fiscal years 1967 and 1968 by the Secretary pursuant to the comprehensive plan adopted by section 9a of the act of December 22, 1944. Since that initial authorization of the comprehensive plan, the Congress has authorized the appropriation of $946 million to carry out its broad purposes. Through fiscal year 1966, the Appropriations Committees have made over $913 million available for continuation of the investigation and construction of the many units making up the total plan. These units of the Missouri River Basin project vary from massive multipurpose storage structures, such as the Yellowtail Dam on the Bighorn River, to relatively simple single-purpose irrigation pumping units. The plan also includes electrical transmission facilities required to interconnect the generating capacity installed by the Bureau of Reclamation and the Corps of Engineers with preference customer and private utility systems. With the active support of the local people, this multipurpose activity has proceeded efficiently and effectively during the many years since its inception.

The development of the land and water resources of the Missouri River Basin, which has been carried out under the authorizations and appropriations made in the past, is one of our best examples of the ability of the Federal Government to cooperate with its citizens in practical solutions to the problems of optimum development of our country's natural resources. The beneficial results of this development are already evident through their impact on the standard of

living of a large number of communities within the Missouri River Basin.

While many of the goals of the original plan have been achieved, there is still a substantial amount of work to be done. The fiscal year 1967 program now included in the President's budget contemplates active construction on four continuing units and minor completion work on a number of others. This work, plus the continuing investigation activities, will require new appropriations estimated at $28,158,000 which are subject to the appropriation authorization now being considered. Preliminary estimates for fiscal year 1968 indicate a new fund requirement for continuing this work of approximately $27,970,000. The programs proposed represent a continuation of a proven effort to strengthen the economy and improve the living standards of a significant part of our country through the application of sound resources development practices. Above this and somewhat unique among Federal expenditures, is the fact that almost 90 percent of the funds invested in the project will be returned to the Treasury from water and power revenues. For these reasons, I strongly support the proposed increase in appropriation authorization.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1340), explaining the purposes of the bill.

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

PURPOSE

The purpose of S. 3186 is to increase the authorization for appropriations for continuing the going work on the Missouri River Basin project by the Department of the Interior. The amount of the increase is $60 million and is confined to appropriations for fiscal years 1967 and 1968. The authorization is further qualified by language prohibiting the appropriation of any of the funds to initiate construction of any unit of the Missouri River Basin project, whether or not included in the comprehensive plan approved by the 1944 Flood Control Act. This has the effect of requiring all additional units of the Missouri River Basin project to be authorized or reauthorized by the Congress.

NEED

This legislation is necessary because, without it, the Department would be without authority to continue its studies and construction after June 30 of this year.

EXPLANATION

The Flood Control Act of 1944 (58 Stat. 887) authorized the Secretary of the Interior to undertake a portion of the comprehensive plan for development of the Missouri River Basin, and section 9(e) of that act authorized the appropriation $200 million for partial accomplishment of the works to be undertaken by the Secretary. Subsequent authorizations have increased this appropriation limitation to a total of $946 million. Against this amount, net allotments to projects as of June 30, 1966, will total approximately $911 million. Since the act of August 14, 1964, the last of the acts authorizing Missouri River Basin project authorizations, confined the appropriations to fiscal years 1965 and 1966, the authority for appropriating about $35 million will expire on June 30, 1966. The $60 million which S. 3186 authorizes to be appropriated will meet the Department's estimated fund needs for continuing planning and construction work during fiscal years 1967 and 1968. The Department's fund needs, totaling a little over $56 million, are set out in the following tabulation:

List of Missouri River Basin units and amounts estimated to be obligated, fiscal years 1967 and 1968

Unit or activity	Estimated	
	Fiscal year 1967 obligations	Fiscal year 1968 obligations
Almena unit, Kansas	$2,050,000	$2,000
Glen Elder unit, Kansas	13,500,000	13,770,000
Transmission division, various	5,491,000	7,203,000
Yellowtail unit, Montana-Wyoming	3,300,000	3,259,000
Investigations, various	1,602,000	2,823,000
Drainage and minor construction:		
Ainsworth unit, Nebraska	340,000	10,000
Bostwick division, Nebraska-Kansas	375,000	58,000
Cedar Bluff unit, Kansas	66,000	----------
Crow Creek pump unit, Montana	19,000	----------
East Bench unit, Montana	380,000	340,000
Farwell unit, Nebraska	300,000	46,000
Frenchman-Cambridge division, Nebraska	400,000	233,000
Hanover-Bluff unit, Wyoming	40,000	47,000
Helena Valley unit, Montana	150,000	90,000
Owl Creek unit, Wyoming	75,000	75,000
Technical records and as-built drawings, Colorado	15,000	15,000
Webster unit, Kansas	55,000	----------
Total	28,158,000	27,971,000
Total, fiscal years 1967 and 1968	56,129,000	

Not all of the work underway will be completed during fiscal years 1967 and 1968, and there will be a need for additional authorization 2 years hence. However, within the next few years, the going work will be completed with the exception of the Garrison unit, and the authorizing act for Garrison provides the authorization for necessary appropriations. Hereafter, the legislation which authorizes or reauthorizes additional units will provide the authority for necessary appropriations.

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

The bill (H.R. 14312) was ordered to a third reading, was read the third time, and passed.

Mr. METCALF. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. METCALF. Mr. President, I ask that S. 3186 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, S. 3186 is indefinitely postponed.

ADJOURNMENT OF TWO HOUSES FROM JUNE 30, 1966, TO JULY 11, 1966—CONCURRENT RESOLUTION

Mr. MANSFIELD. Mr. President, I send to the desk a concurrent resolution and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The concurrent resolution will be stated.

The LEGISLATIVE CLERK. A concurrent resolution (H. Con. Res. 804) providing that when the House adjourns on June 30, 1966, it stand adjourned until 12 o'clock meridian, July 11, 1966.

The ACTING PRESIDENT pro tempore. Is there objection to the consideration of the concurrent resolution?

There being no objection, the Senate proceeded to the consideration of the concurrent resolution.

Mr. MANSFIELD. Mr. President, I offer an amendment.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The LEGISLATIVE CLERK. On line 2, strike out the words "House adjourns" and insert in lieu thereof "two Houses adjourn"; and on line 3, strike out "it" and insert "they".

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Montana.

The amendment was agreed to.

The concurrent resolution (H. Con. Res. 804), as amended, was agreed to, as follows:

H. CON. RES. 804

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Thursday, June 30, 1966, they stand adjourned until 12 o'clock noon on Monday, July 11, 1966.

The title was amended so as to read: "Concurrent Resolution Relative to the Adjournment of the two Houses of Congress on June 30, 1966."

Mr. MANSFIELD. Mr. President, so that the Senate will be aware of the resolution which has just been agreed to, it is contemplated that, the House concurring—and I anticipate no objection—the Senate will begin its recess at the close of business today, rather than tomorrow.

AUTHORIZATION TO SIGN BILLS, RECEIVE MESSAGES, AND FILE REPORTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that during the adjournment of the Senate from the close of business today until noon, July 11, 1966, the Vice President and the President pro tempore be authorized to sign duly enrolled bills.

I further ask unanimous consent that on Thursday, July 7, while the Senate is adjourned, the Secretary of the Senate be authorized to receive messages from the House of Representatives, and that committees be authorized to file reports, together with any minority, individual, supplemental, or additional views.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AUTHORIZATION TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS

Mr. MANSFIELD. Mr. President, I send to the desk a concurrent resolution, and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The concurrent resolution will be stated by title.

The LEGISLATIVE CLERK. A concurrent resolution (H. Con. Res. 805) providing that the Speaker of the House of Representative and the President of the Senate be authorized to sign enrolled bills and joint resolutions duly passed and found truly enrolled.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the concurrent resolution?

The concurrent resolution (H. Con. Res. 805) was considered and agreed to.

PROGRAM FOR THE WEEK AFTER THE FOURTH OF JULY RECESS

Mr. MANSFIELD. Mr. President, for the information of the Senate the leadership intends to take up the following program upon our return from the Fourth of July recess.

On Monday, July 11, it is our intention to call up and hopefully pass the Federal pay bill and to follow it with the child nutrition bill, S. 3467, which we also hope to complete that afternoon. Both of these measures we anticipate will require a roll call vote, so Members should be alerted to that fact.

Upon the completion of these measures we will proceed with consideration of the air pollution control bill on Tuesday, July 12, following it immediately on that date with the water pollution program, which, if not completed on Tuesday, we hope will certainly be completed by the conclusion of business Wednesday. The military procurement conference report, which contains the military pay raise, is scheduled for floor action in the House on Tuesday and we shall consider it in the Senate immediately upon its receipt on Tuesday from the House.

On Thursday, July 14, by previous announcement, the so-called CIA resolution will be reported from the Foreign Relations Committee during the morning hour. Hopefully, the disposition of the referral of this resolution will be completed during the early part of the day and we will then proceed to the agriculture appropriation bill. We are hopeful that by Friday of that week the water resources development investigation, S. 3034, and its counterpart, H.R. 13419, will be ready for consideration. If so, they will be taken up on Friday to be followed upon completion by the commencement of consideration of the foreign aid authorization for 1967.

BRIDGING THE COMMUNICATIONS GAP WITH SPANISH

Mr. SPARKMAN. Mr. President, last November it was my pleasure and privilege to work with the University of Alabama Medical Center in Birmingham to bring some Peruvian miners to the center for a tour. Mr. Fred A. Woodress, public affairs director of the University of Alabama Medical Center in Birmingham, described this visit in a paper which he has written. I ask unanimous consent that this article be inserted at this point in the RECORD.

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

BRIDGING THE COMMUNICATIONS GAP WITH SPANISH*

(By Fred Woodress**)

All of us have conducted tours of our institutions at some time or other. Some are for VIP's turned over to us at the last minute and others are carefully planned months ahead. The most unique one planned by our Public Affairs Office at the University of Alabama Medical Center in Birmingham took place last November. It was different because we bridged the communications gap by telling our story in the language of the visitors—Spanish. If you have ever attended an international meeting, you know what I mean. Even the best interpreters cannot be experts in every field, so much is often lost in translation including the spontaneity of questions and answers.

My life long enthusiasm for Latin America, dating back to my first trip South while still in high school, made this assignment a personally challenging one. The final results were rewarding. Our tour created comment all over Latin America. More important, on a people to people basis, this special event gave us a chance to do creative public relations and an opportunity to further international understanding.

It all started with a telephone call from City Hall. Mayor Albert Boutwell like most Alabamians, is very proud of the Medical Center. He knows it is one of the city's five largest industries, and that it has brought many outstanding scientists from this country and abroad to Birmingham. Bill Hamilton, the mayor's public relations director, asked if we would show our center to a group of miners from Peru in this country on a ten city tour sponsored by the United States Department of Labor and Department of State.

We answered "yes" and silently thanked them for giving us thirty days to make arrangements. Then we wondered among ourselves, if we were Peruvian miners, what would we want to see? Birmingham is at the end of the Appalachians in an area abundant in coal, iron ore and limestone. Knowing the pride our own steelworkers and miners have in the Medical Center, we believed there were some aspects of our institution that would interest the Peruvians. We also knew the ever-present new construction in the 15-block complex always intrigued foreign visitors.

It is an axiom of public relations that one must know his public. The Bureau of International Affairs of the Labor Department was very helpful. Mr. Joseph Pitcher of that office sent us information listing facts about each miner. He explained they came from mines owned by U.S. and Peruvian interests with the former companies mining copper and the latter lead, zinc, mercury, and silver. Most of the miners live in rather isolated and barren mountain settlements provided by the company and earn from 45 soles ($1.95) to 59 soles daily with an equal amount in fringe benefits. Of the 60,000 miners in Peru, 40,000 are organized. The fact sheet reminded that the Peruvians "will naturally be interested in American life in general . . . it is said that for the Latin American, friendship is stronger than the law". Tour leader for the group was to be Eugene Sullivan, a retired bricklayer from New York.

You probably do not think of us as an international center. On an undergraduate level we are very provincial. The University of Alabama Medical School, previously a two year school of basic medical sciences in Tuscaloosa, began its four year program in Birmingham in 1945 to provide physicians for Alabama, and our dental school was established in 1948 to furnish dentists. Almost all our undergraduate students are Alabamians. However, in our graduate, internship, residency, and fellowship programs, we are very international. It is part of the broad creative educational philosophy of the University's Vice President for Health Affairs, Dr. Joseph Volker, my immediate supervisor, who came to us from Tufts here in Boston. He organized our dental school and then went on to head the entire Medical Center in 1962. His interest stems from the fact Dr. Volker has traveled to many parts of the world as a health advisor for the World Health Organization, Unitarian Service Committee and U.S. Government, i.e. to Thailand, Germany, Austria, Czechoslovakia, Jamaica and Israel.

Finding the right Spanish speaking individuals for our tour was a real pleasure. We discovered two Peruvians on our staff—Dr. A. Sam, a research fellow in medicine in the artificial kidney area—and in psychiatry, Dr. Jorge Lazarte, who left Peru many years ago after graduation from the University of San Marcos, Lima. Both were most helpful when the miners arrived.

Dr. Mario Martinez and Dr. Jesus Lastra, graduate students in the school of dentistry, not only detailed how our dental school ranks in the upper fifth in the nation for dental research and gives international leadership in dentistry, but they spoke enthusiastically of their new home. Dr. Martinez concluded his talk with an emotional tribute to the nation that sheltered him and his family after Fidel Castro made it necessary to flee Cuba. The Peruvian miners were visibly moved by his talk and applauded.

We began our five hour "seminar" with coffee served in the paneled Reynolds Historical Library, which houses early manuscripts and books on medicine and dentistry, including unpublished letters of Louis Pasteur and Sir William Osler and correspondence between George and Martha Washington and their dentists, as well as one of four copies of William Harvey's *De Montu Cordis*.

I opened the program earlier with a short introduction in Spanish. Then our Coordinator of Research, Dr. John Dunbar, a veteran traveler with great interest in international health, greeted the Peruvians on behalf of Dr. Volker, who was out of town, and described the varied research projects that have a combined annual budget of $6,000,000. He told the miners about our yearly budget of $2,000,000, about our 3,000 employees, about other hospitals in the complex and future plans to expand the center to 60 blocks through Urban Renewal.

Tour interpreter Carlos Guevera, exhausted from fifteen hours of daily translation on the tour, was pleased by and highly complimentary of our efforts to tell our story in Spanish. He had little to do but listen.

Dr. Albert Wolff, associate professor of biostatistics and a former employee of U.S. agencies in Latin America, gave insight into our new department of biostatistics and its function. He spoke fluent Spanish. Our varied Spanish accents became Castillian when Dr. Ricardo Ceballos, associate professor in pathology, explained his work in the clinical laboratories of University Hospital. The native of Spain with an infectious sense of humor kept his audience interested and laughing. Then he led the group next door to the newly renovated Roy Kracke Clinical Services Building, where 1,200,000 tests are processed

*This paper was selected in the nationwide New Look competition conducted by the American College Public Relations Association to be delivered at the ACPRA convention in Boston at 2 p.m. on Thursday, July 7 at the Sheraton Hotel.

**A biography of the author is on the last page.

annually for the 650 bed University Hospital. He told how this division of the center is unique in that every report is processed with an electronic processing system. Since many of the staff there are girls and pretty Southern ones, the tour got off schedule immediately. One of the miners wanted a blood sample taken, and the technicians obligingly complied. Because of the girls we had difficulty getting the men to the artificial kidney unit next, to hear Dr. Sam explain how life is prolonged this way.

For lunch we selected the newest and most attractive conference room in our complex—the Spain Rehabilitation Center Library. We considered serving a typical Southern meal of black eyed peas, fried chicken and turnip greens, but our Argentine psychiatrist suggested turkey and dressing since the miners would not be in this country for Thanksgiving. We did this with success. Two secretaries from the dental school provided folk songs and music for entertainment, and we followed lunch with two more talks.

Dr. Carlos Gaos, a cardiologist from Mexico, was delighted to give an illustrated lecture on the fine work in the cardiovascular field which has attracted so much attention to the Medical College of Alabama through his colleagues, Dr. Tinsley Harrison, Dr. Joseph Reeves and Dr. Sterling Edwards. He fascinated the Peruvians with samples of teflon material grafts (perfected at our center by Dr. Edwards), pace makers and artificial heart valves. Then Dr. Gaos acted as interpreter for his colleague Dr. Ben Branscomb, director of the pulmonary disease division in the medical center. Dr. Branscomb explained facts about lung disease that afflicts miners the world over. On a later tour of pulmonary treatment rooms the miners were intrigued with a portable oxygen machine for emphysema sufferers that Dr. Branscomb helped perfect in collaboration with a Birmingham firm now manufacturing the units for worldwide use. The Peruvians then toured other rehabilitation areas in the Spain Center.

Directly behind Spain is the Smolian Psychiatric Outpatient Clinic, like the rehabilitation center made possible in part by gifts from public spirited Birmingham citizens. Dr. Maria Gamboa, instructor in child psychiatry and from Argentina, took over with help from Dr. Lazarte, showing the union leaders two way mirrors for studying children's reactions, conference rooms and testing areas. The tour ended in the large conference room where the tired Peruvians could sit, watch slides, and ask questions about psychiatry, which they did with enthusiasm.

With the five-hour tour concluded, Orlando Arenas, spokesman for the group, stood up and thanked us for our courtesy and generosity. He said the tour had been a highlight of their visit to the United States. The good feeling was mutual. Our people were impressed with the Peruvians. They were most intelligent, asked good questions, seemed alert and interested in everything we showed them. Despite what they may have read about Birmingham in past years, these Peruvians could see for themselves that they had visited a completely integrated hospital serving many patients of all races with white and Negro staff members.

The tour was well reported as the daily News and Post-Herald carried three column articles and photographs of the Peruvians in the Medical Center and one television station aired a newsclip taken at the luncheon. Medical Tribune, a national publication, published a photograph of Dr. Sam explaining the artificial kidney to his countrymen. Thanks to Congressman ARMISTEAD SELDEN and Senator JOHN SPARKMAN, the U.S. Information Service and the Voice of America reported our visit. VOA recorded a beeper telephone interview with Senor Arenas who then described our Medical Center in glowing terms. That interview was beamed on short wave to Spanish Latin America later that evening and was included in a daily taped program, "Focus the World", sent the next day to USIS representatives in 19 Latin American countries for local distribution to radio stations.

A local free lance movie cameraman sent his movie films to USIS in Washington for processing, editing and distribution. Prints were then shipped to TV stations in Peru for local coverage.

Helping me on this unusual Spanish tour were Miss Jane Williams, foreign student advisor, Richard Gunthorpe, the center's photographer, George Winston, my assistant, Miss Audrey Brown, my secretary, and Miss Genia Call, who handled all the details for the tour.

Much that we do in public relations is felt indirectly or, at best over a period of time, but the feeling immediately after this project was so satisfying that it was one of those rare experiences one has too seldom in public relations.

FRED A. WOODRESS

Fred A. Woodress, a native of Webster Groves, Missouri, is Public Affairs Director of the University of Alabama Medical Center in Birmingham. His interest in Latin America dates back to a high school sociology trailer trip to Mexico in 1939. His other visits South include one to Guatemala as guest of President Miguel Ydigoras Fuentes in 1959 and another as a member of a three man U.S. Salvation Army relief team to Haiti following hurricane Flora damage in 1963.

SIXTEENTH ANNUAL REPORT OF THE SELECT COMMITTEE ON SMALL BUSINESS

Mr. SPARKMAN. Mr. President, as chairman of the Select Committee on Small Business, I submit the 16th annual report of the committee and ask unanimous consent that it be printed.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RACIAL INTEGRATION AND THE HOSPITALS

Mr. ERVIN. Mr. President, the use by the Department of Health, Education, and Welfare of medicare as an instrument to promote racial integration could result in many unfortunate cases of old people being denied what is rightfully theirs. Medicare, or so we were led to believe, belongs to citizens over 65 because they have paid for it. To make this insurance dependent on something over which these people have no control—the irreconcilable positions of Federal bureaucrats and some local hospital boards—is inequitable and should have been avoided.

As an editorial writer in the Greensboro Daily News recently said:

> There can be no case for denying a private citizen his lawful right under a program into which he may well have paid hundreds of dollars in premiums.

Mr. President, for a candid discussion of the dangers of the present policies of the Department of Health, Education, and Welfare, I recommend the editorial which appeared in the Greensboro Daily News on May 28, 1966, entitled "Racial Balance in the Hospitals," and I ask unanimous consent that this editorial be printed in the RECORD at this point.

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

[From the Greensboro (N.C.) Daily News, May 28, 1966]

RACIAL BALANCE IN THE HOSPITALS

The mounting frenzy over the preparedness of the nation's hospital beds—woefully short in any case—has been needlessly complicated by the decision of Health, Education and Welfare officials to use Medicare payments as a lever to force their own program of anti-discrimination.

We have no brief here for local hospital boards that needlessly defy national policy; and like it or not, Congress and the courts have established the principle that federal funds are not to be used to perpetuate racial discrimination.

But the issue raised here is more than a simple collision between stubborn local boards and federal bureaucrats over that principle.

The rationale of Medicare under Social Security, due to go into effect July 1, is that a citizen 65 or over shall enjoy its benefits as a matter of right—not as a beneficence of public or private charity that can be given or withheld on the basis of a means test or any other test. Social Security is not a tax program; it is a program of social insurance. And ideally the fact that it is government-operated should be as incidental and as unobtrusive as possible. It should be as uncomplicated and as accessible as a private insurance policy.

In the present encounter, however, we have an arbitrary decision by well-meaning but short-sighted officials in Washington to complicate the administration of this social insurance by linking it with an antidiscrimination policy. And however desirable that policy in itself, it should take a back seat to problems of acute illness.

Even assuming that the use of social insurance as a wedge is wise or just in this instance—and we think not—the precedent is dangerous. Do the officials of HEW seriously say that if ordinary monthly Social Security payments to the elderly should run athwart a federal policy, they could feasibly suspend those payments—perhaps depriving citizens of food, clothing and shelter? We doubt it. And yet what they propose to do to some of the elderly with respect to Medicare is identical in principle.

After all, Social Security is a buttress of the welfare of the private citizen, not of institutions such as hospitals—which as many of the holdouts show could very well do without Medicare payments. The denial of a citizen's right is no proper way, practically or ethically, to discipline the policies of an institution, especially when some hospital boards are only too anxious for a pretext to sabotage Medicare anyway.

There may be a case under Title VI for withholding other forms of federal subsidy—for hospital buildings, say—as a policy lever. But there can be no case for denying a private citizen his lawful right under a program into which he may well have paid hundreds of dollars in premiums.

Further, the Department of Health, Education and Welfare would do well to ponder the practical implications of this policy.

Is it now to be the case, as we feared when Title VI and its powers of blackmail were written into a civil rights bill with many good points, that every single program—educational, medical or otherwise—is to be ensnarled by the discrimination issue? Especially, one might add, when the policies or "guidelines" laid down for compliance re-

flect no specific directive of Congress and are subject to whimsical change from year to year?

If so, the day is foreseeable when Congress, under popular pressure, will shy from almost every piece of social legislation, however desirable, because it threatens to create another administrative nightmare.

Somehow a balance must be struck and struck soon between the demands of racial engineering and the practical demands of the citizen for education, health care and basic security. Certainly that balance is not being struck in the present hospitals imbroglio.

UNITED STATES AGAINST GUEST, AND THE CIVIL RIGHTS BILL OF 1966

Mr. ERVIN. Mr. President, since title V of the pending civil rights bill is based upon obiter dicta appearing in the concurring opinion of six members of the Supreme Court in the recent case of United States against Guest, an understanding of this case is vital to our deliberations upon such bill which is known as S. 3296.

The Subcommittee on Constitutional Rights, of which I am chairman, was privileged to hear the testimony of Mr. Charles J. Bloch who was appointed by the Supreme Court to represent one of the appellees in the Guest case. Mr. Bloch is an outstanding advocate and one of the leading constitutional authorities in the country. His ability as a legal craftsman is demonstrated by the thorough analysis and presentation of the Guest case during his appearance before the subcommittee.

Mr. President, in order that the Congress and all Americans may be more fully apprised of the legal significance of the Guest case and of the constitutional defects S. 3296 contains generally, I ask unanimous consent that Mr. Bloch's statement be printed in full at this point in the RECORD.

STATEMENT OF CHARLES J. BLOCH, ATTORNEY AT LAW, MACON, GA., AS TO THE CIVIL RIGHTS ACT OF 1966 BEFORE THE SENATE JUDICIARY SUBCOMMITTEE ON CONSTITUTIONAL RIGHTS

So-called is Senate Bill 3296.

Title I thereof amends Chapter 121 of Title 28, United States Code. Chapter 121 is entitled "Juries; Trial by Jury." Its provisions are confined to grand and petit juries in the district courts of the United States.

Title II has as its first section: "No person or class of persons shall be denied the right to serve on grand and petit juries in any State Court on account of race, color, religion, sex, national origin or economic status." (Section 201)

The quoted section indicates the purpose of that Title II, and indicates its utter invalidity on the basis of presently established rules of law.

Title III is entitled "Nondiscrimination in Public Education and Other Public Facilities."

Title IV has as its first section:

"It is the policy of the United States to prevent, and the right of every person to be protected against, discrimination on account of race, color, religion, or national origin in the purchase, rental, lease, financing, use and occupancy of housing throughout the nation."

The quoted section indicates the purpose of that Title IV, and, too, indicates its utter invalidity as tested by the Constitution of the United States as presently construed.

Title V is entitled "Interference with Rights."

Evidently it seeks to supplant or amend Section 241 of Title 18, United States Code.

Such seeking doubtless stems from the decision of the Supreme Court of the United States in *United States v. Guest, et al.* (March 28, 1966) ——— U.S. ———, 86 S. Ct. 1170.

In that case, I was appointed by the Supreme Court of the United States to represent one of the appellees. Therefore, I have more than ordinary interest in and familiarity with the case.

It was argued November 9, 1965. It was decided almost five months later, March 28, 1966. The time factor and the opinions in the case demonstrate the thorough consideration given by the Court to the problems and questions there involved.

Mr. Justice Stewart delivered the opinion of the Court, reversing and remanding the case to the District Court for further proceedings consistent with that opinion for the reasons stated (op. cit. p. 1179).

Mr. Justice Clark wrote a concurring opinion in which Mr. Justice Black and Mr. Justice Fortas joined.

Mr. Justice Harlan wrote an opinion concurring in part and dissenting in part. (86 S. Ct. at p. 1180, et seq.)

Mr. Justice Brennan wrote an opinion in which the Chief Justice and Mr. Justice Douglas joined, concurring in part and dissenting in part. (86 S. Ct. at p. 1187, et seq.)

Apt here is the following language in the concurring opinion of Mr. Justice Clark, supra, in which Justices Black and Fortas concurred (86 S. Ct. at p. 1180):

"The Court carves out of its opinion the question of the power of Congress, under § 5 of the Fourteenth Amendment, to enact legislation implementing the Equal Protection Clause or any other provision of the Fourteenth Amendment. The Court's interpretation of the indictment clearly avoids the question whether Congress, by appropriate legislation, has the power to punish private conspiracies that interfere with Fourteenth Amendment rights, such as the right to utilize public facilities. My Brother Brennan, however, says the Court's disposition constitutes an acceptance of appellees' aforesaid contention as to § 241. Some of his language further suggests that the Court indicates *sub silentio* that Congress does not have the power to outlaw such conspiracies.

Although the Court specifically rejects any such connotation, ante, p. 1176, it is, I believe, both appropriate and necessary under the circumstances here to say that there now can be no doubt that the specific language of § 5 empowers the Congress to enact laws punishing all conspiracies—with or without state action—that interfere with Fourteenth Amendment rights."

That suggests the question: What is a "Fourteenth Amendment rights."

While that will be more fully discussed later in this memorandum, I suggest that actions of private individuals against private individuals with respect to rights which the Constitution merely guarantees from interference by a State cannot be classified as Fourteenth Amendment rights.

The opinion of Justice Stewart in the Guest case (86 S. Ct. 1170, at 1179) cites *United States* v. *Moore*, 129 Fed. 630, *633*. Of course I do not know exactly what language at page 633 he had in mind, but I call attention to this categorical statement of District Judge Jones at page 633: "The power conferred upon Congress by the Constitution concerning these rights, in some instances, as under the Fourteenth Amendment, is corrective merely of invasion of them by state law or authority."

The second headnote in that case commences (129 Fed. at p. 630): "The fourteenth amendment of the federal constitution . . . adds nothing to the rights of any citizen against another, but merely furnishes additional guaranties against any encroachment by the states upon the fundamental rights which belong to every citizen as a member of society."

District Judge Jones who wrote that opinion was Judge Thomas Goode Jones of Montgomery, Alabama, appointed to the Federal bench by President Theodore Roosevelt in the early part of the century. In April of 1865 he had been aide to General John B. Gordon at the surrender at Appomattox.

At page 1176 of the opinion in the *Guest* case as reported in 86 Supreme Court Reporter of this cogent language:

"It is a commonplace that rights under the Equal Protection Clause itself arise only where there has been involvement of the State or of one acting under the color of its authority. The Equal Protection Clause 'does not . . . add anything to the rights which one citizen has under the Constitution against another.' United States v. Cruikshank, 92 U.S. 542, 554–555, 23 L.Ed. 588. As Mr. Justice Douglas more recently put it, 'The Fourteenth Amendment protects the individual against *state action*, not against wrongs done by *individuals*.' United States v. Williams, 341 U.S. 70, 92, 71 S.Ct. 581, 593, 95 L.Ed. 758 (dissenting opinion). This has been the view of the Court from the beginning. United States. v. Cruikshank, supra; United States v. Harris, 106 U.S. 629 . . .; Civil Rights cases, 109 U.S. 3 . . .; Hodges v. United States, 203 U.S. 1, . . .; United States v. Powell, 212 U.S. 564, ... *It remains the Court's view today*. See e.g. Evans v. Newton, 382 U.S. 296, . . .; United States v. Price, 383 U.S. ———, 86 S.Ct. 1152."

(The last emphasis supplied; first two emphases are the Court's)

While we are discussing Title V, we may as well complete the discussion as to that Title, applying to it the rule just emphasized as the Court's view, as of March 28, 1966.

That rule is summarized in headnote 6 of the Guest case as it appears 86 S. Ct. 1171, as follows:

"Equal protection clause of Fourteenth Amendment speaks to state or to those acting under color of its authority."

The eighth and ninth headnotes are:

"Rights under equal protection clause arise only where there has been involvement of state or of one acting under color of its authority; equal protection clause does not add anything to rights which one citizen has under constitution against another."

"Fourteenth Amendment protects individual from state action, not against wrongs done by individuals."

I repeat this isn't merely "old law." It is a restatement of "old law" as announced by the Supreme Court less than three months ago.

The opinion of the Court of Mr. Justice Stewart in that case shows clearly that he was of the opinion that the indictment at issue there "in fact contains an express allegation of state involvement sufficient at least to require the denial of a motion to dismiss." He proceeded to show (p. 177) what that allegation was, and concluded: "Although it is possible that a bill of particulars, or the proofs if the case goes to trial, would disclose no co-operative action of that kind by officials of the State, the allegation is enough to prevent dismissal of this branch of the indictment."

True it is that the concurring opinion of Mr. Justice Clark concludes: ". . . there now can be no doubt that the specific language of § 5 (of the amendment) empowers the

Congress to enact laws punishing all conspiracies—with or without state action—that interfere with Fourteenth Amendment rights."

True it is, too, that the opinion of Mr. Justice Brennan, with whom the Chief Justice and Mr. Justice Douglas joined, which opinion concurs in part and dissents in part, contains similar or stronger language.

True it is, too, that that opinion contains these words: "But since the limitation on the statute's effectiveness derives from the Congress' failure to define—with any measure of specificity—the rights encompassed, the remedy is for Congress to write a law without this defect."

Evidently it is now suggested that Congress accept that invitation by enacting Title V.

Inasmuch as Justice Clark used the phrase "Fourteenth Amendment rights," as do the opinions of some of the other Justices (e.g. page 1175, second column) it seems that the first facet in a discussion of Title V ought to be a determination of what is a Fourteenth Amendment right?

There can be no doubt but that Fourteenth Amendment rights are these and only these:

1. The right of a citizen not to have his privileges or immunities abridged by the making or enforcement by a State of any law;

2. The right of all persons not to be deprived by any State of life, liberty or property without due process of law;

3. The right of all persons within the jurisdiction of a State not to be denied by that State the equal protection of the laws.

The second facet in a discussion of Title V must be a complete realization that in the Guest case the Court was considering a statute which sought to punish a conspiracy (18 U.S.C. § 241) and an indictment which specifically charged a conspiracy. The Court took pains (p. 1175) to point out that "the gravamen of the offense is *conspiracy*."

Also the opinion of the Court (p. 1176) contains these words: ". . . nothing said in this opinion goes to the question of what kinds of other and broader legislation Congress might constitutionally enact under § 5 of the Fourteenth Amendment to implement that clause (the Equal Protection clause) or any other provision of the Amendment."

"A conspiracy is sufficiently described as a combination of two or more persons, by concerted action to accomplish a criminal or unlawful purpose, *or some purpose not in itself criminal or unlawful, by criminal or unlawful means, . . .*"

Pettibone v. *United States*, 148 U.S. 197, 203.

Title V in Section 501 thereof departs from Title 18 U.S.C. § 241 involved in the Guest case. It departs from any rules of law governing conspiracies. It seeks to make certain acts substantive crimes.

Illustrating, Section 501(a)(5), carved out of its surroundings, would read:

"Whoever, whether or not acting under color of law, by force or threat of force—(a) injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with any person because of his race, color, religion, or national origin while he is engaging or seeking to engage in—(5) selling, purchasing, renting, leasing, occupying, or contracting or negotiating for the sale, rental, lease or occupation of any dwelling . . . shall be fined not more than $1,000.00 or imprisoned not more than one year, or both; and if bodily injury results shall be fined not more than $10,000 or imprisoned not more than ten years, or both; and if death results shall be subject to imprisonment for any term of years or for life."

If that is enacted into law, then a private person who hears that a Buddhist is about to rent a house next door to him, goes to that Buddhist and says: "I hear you are negotiating to rent a house next door to me; I warn you that if you rent it and occupy it, harm will come to you and your family," he would be guilty of a Federal crime, and subject to the punishment quoted.

I say to you that there is nothing in the Constitution of the United States which authorizes the Congress to enact such a law.

I have carved out and quoted 501(a)(5).

I say to you that under the law of the land as declared in the Guest case Congress has no Constitutional power to enact any part of proposed Sec. 501 of Title V for all of it is addressed to private persons, not "acting under color of law."

The Supreme Court made it abundantly clear in the Guest case that "The Fourteenth Amendment protects the individual against *state action*, not against wrongs done by *individuals*" . . . "This has been the view of the court from the beginning. . . . It remains the Court's view today." (March 28, 1966)

Decided that same day was *United States v. Price, et al.* (86 S. Ct. 1152) in which Mr. Justice Fortas wrote for the Court. There was no dissent except perhaps a short one of Mr. Justice Black (p. 1163). At page 1160 (of 86 S. Ct.) the Court said:

"As we have consistently held 'The Fourteenth Amendment protects the individual against *state action* not against wrongs done by *individuals*.' . . . In the present case, the participation by law enforcement officers, as alleged in the indictment, is clearly state action, as we have discussed, and it therefore with (sic) the scope of the Fourteenth Amendment."

Just after this quotation, the Court (speaking through Mr. Justice Fortas) has, in the words which I now quote, stated the question which was presented for decision in the Price case:

"The argument, however, of Mr. Justice Frankfurter's opinion in Williams I, upon which the District Court rests its decision, cuts beneath this. It does not deny that the accused conduct is within the scope of the Fourteenth Amendment, but it contends that in enacting § 241, the Congress intended to include only the rights and privileges conferred on the citizen by reason of the 'substantive' powers of the Federal government—that is, by reason of federal power operating directly upon the citizen *and not merely by means of prohibition of state action.*"

This—and what follows—is important particularly because of a statement made by the Attorney General before subcommittee No. 5 in support of H.R. 14765 on May 4, 1966.

Said he:

"The really important fact about the Guest decision, however, is that six justices declared that Congress has the power under section 5 of the Fourteenth Amendment, to reach such purely private misconduct if it chooses to do so." (p. 25 of his statement)

I do not so read what the six justices said in their varying opinions. I have referred to them hereinbefore, and shall again hereinafter.

I do know that the Price case (from Mississippi) was argued practically contemporaneously with the Guest case (November 9, 1965) and decided the same day (March 28, 1966).

Practically speaking there is but one opinion in the Price case—that of Justice Fortas.

There is no doubt of the meaning and intent of that opinion.

I quote from its concluding paragraph:

"The present application of the statutes at issue (Title 18 §§ 241, 242) does not raise fundamental questions of federal-state relationships. We are here concerned with allegations which squarely and indisputably involve *state action in direct violation of the mandate* of the Fourteenth Amendment—that no state shall deprive any person of life or liberty without due process of law. This is a direct, traditional concern of the Federal government." (Emphasis added)

And almost the very last sentence of the opinion is:

"Today, a decision interpreting a federal law in accordance with its historical design, to *punish denials by state action* of constitutional rights of the person can hardly be regarded as adversely affecting the wise adjustment between State responsibility and national control . . ." (Emphasis added)

Parenthetically, there is an historical error in Justice Fortas' opinion as reported at page 1162 of 86 S. Ct. Reporter. There it is stated:

"On June 13, 1866, the Fourteenth Amendment was proposed, and it was ratified the next month."

As a matter of historical fact, it was proposed June 16, 1866, but it was by no means ratified the next month. It was not ratified until two years and a month had elapsed, to wit, in July 1868. (See U.S.C.A.)

(I am advised by the Reporter of Decisions of the Supreme Court that this error was detected and immediately corrected.) That ratification came only after considerable arm-twisting in certain of the late Confederate States.

Justice White's name is not mentioned in the opinions of the Guest case. Justice Stewart delivered the opinion of the Court. Justice Harlan wrote an opinion, concurring in part and dissenting in part. It is quite clear from it that he did not declare or believe that Congress has power, under Section 5 of the Fourteenth Amendment, to reach purely private misconduct if it chooses to do so.

So the statement of the Attorney General as to what "six justices declared" in the Guest case must have as its basis something written by Mr. Justice Clark, with whom Mr. Justice Black and Mr. Justice Fortas joined (p. 1180 of 86 S. Ct.) or something written by Mr. Justice Brennan with whom the Chief Justice and Mr. Justice Douglas joined. (86 S. Ct. pp. 1187, et seq.)

Previously, I have quoted what Mr. Justice Clark had to say in that respect. (p. 1180)

So, it remains to inquire what Mr. Justice Brennan had to say, and *then* it will remain for us to learn what Congress will have to say on the subject.

It is to be hoped that Congress, in having its say and in enacting any legislation will recall that since the Civil Rights cases, 109 U.S. 3, were decided in 1883, almost a century ago, it has been the law of the land "that Congress' power under § 5 is confined to the adoption of 'appropriate legislation for correcting the effects of . . . prohibited state law and state acts, and thus to render them effectually null, void, and innocuous.' "

Those words were uttered by the Supreme Court of the United States on the 15th day of October, 1883. Many Congresses have come and gone since; many Presidents have come and gone; many Chief Justices and Associate Justices have come and gone; opportunities to amend the Constitution to correct any erroneous opinion of the Court if it were erroneous, have come and gone, but it wasn't until March 28, 1966, that any Justice of the Supreme Court of the United States ever went so far as to say, after quoting the above words from the Civil Rights Cases, "I do not accept—and a majority of the Court rejects—this interpretation of § 5."

That interpretation has been the law of the land for 83 years.

The opinion of the Court in the case to which Justice Brennan's opinion is appended categorically states: "It remains the Court's view today."

If at this late day that time honored view is to be repealed, let it be done as provided in Article V of the Constitution.

Too, Justice Brennan's opinion seems to have as its broadest thesis only "For me, the right to use state facilities without discrimination on the basis of race is, within the meaning of § 241, a right created by, arising under and dependent upon the Fourteenth Amendment and hence is a right 'secured' by that Amendment." (p. 1190 of 86 S. Ct.)

Previously (p. 1188), he had written: "I am of the opinion that a conspiracy to interfere with the right to equal utilization of state facilities . . . is a conspiracy to interfere with 'a right . . . secured . . . by the Constitution.' "

In those and similar words constitute the basis of the Attorney General's statement, I submit that they utterly fail to support legally Title V in its entirety.

They fail for at least three reasons:

1. Title V goes beyond punishing conspiracies;

2. Title V goes beyond punishing discriminations "on the basis of race"; it seeks to punish discriminations (injuries, intimidations or interferences) on account of "race, color, religion, or national origin";

3. Title V goes beyond punishing discriminations in the use of "state facilities."

In this respect, particular attention is called to Title V, Section 501(a)(9), and its breadth.

Under that section, if a person sought admission to a "motion picture house," and another person said to him, "You can't go in there; you are not a Christian," that latter person would be guilty of a Federal crime!

Examine closely, too, Section 501(a)(7).

TITLES I AND II

These may logically be discussed together although Title I deals with juries in the Federal Courts, and Title II with juries in State Courts.

In the original constitution, Art. III, § 2, paragraph 3, it is provided that the "trial of all crimes, except in cases of impeachment, shall be by jury."

In the Bill of Rights, Amendment VI provides that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed. Amendment VII provides for trial by jury in suits at common law where the value in controversy exceeds twenty dollars.

The origins of the right of trial by jury in criminal cases antedate Magna Carta.

Amendment VII answered a question which had been hotly debated by the delegates in the Federal Convention of 1737. Hugh Williamson of North Carolina and Elbridge Gerry of Massachusetts had urged the adoption in the Constitution of a general provision to safeguard the jury system in civil cases. The proposal was defeated not because the delegates opposed the use of juries in such cases but because they felt that differing practices of the states made it impossible to frame a general rule.

What were the practices of the various States at the time of the adoption of the Constitution? What were the practices in the years just after the adoption of the Constitution? And what were the practices in later years in States subsequently admitted to the Union?

I have particular reference to *qualifications* of jurors.

First, let us examine the statutes of some of the original thirteen states at the time of their formation of the Union.

In Connecticut, jurors were required to be "able, judicious freeholders . . ." Statutes of Connecticut, Book 1, p. 426 (1808).

(The word "freeholder" is generally used to designate the owner of an estate in fee in land. See, e.g. *State* v. *Ragland*, 75 N.C. 12, 13)

In Delaware, jurors were required to be "discreet and judicious freeholders." (Laws of Delaware, 1700–1797, p. 241)

Georgia required jurors to be "free white, male citizens above the age of twenty-one years and under fifty years." (Georgia Digest, 1755–99, p. 627)

In Maryland, jurors were required to be "freemen of their respective counties, of the most wisdom and experience, having a free hold of fifty acres of land in his county, or property in the state above the value of three hundred pounds current money . . ."

Maryland Laws 1692–1784, Vol. I, October 1777, Chapter 16.

In Massachusetts, jurors were required to be free holders, qualified electors, "good and lawful men" of their town and "of good moral character."

Massachusetts Laws, 1780–87, Vol. 1, p. 184.

In New Hampshire it was required that "the selectmen of each town, and of each parish . . . shall take a list of the names of all persons living within their respective limits, qualified, in the opinion of the selectmen, to serve as petit jurors; each of whom to have an estate of free hold of forty shillings per annum, or other estate to the value of fifty pounds."

New Hampshire Perpetual Laws, 1776–89, p. 43.

In New Jersey, jurors were required to be "a citizen of this State and resident within the county, above the age of twenty-one, and under the age of sixty-five years and (have) a freehold in land, messuages or tenements in the county . . ."

Laws of New Jersey (1821) 1797, p. 311.

In New York jurors should "every one of them, be above the age of twenty-one and under the age of sixty years and shall each of them have . . . in his own name or right, or interest for him or in his wife's right in the same county, a freehold in land messuages or tenements, or of rents in fee or for life, of the value of sixty pounds, free of all reprises, debts, demands or encumbrances whatsoever . . ."

Laws of New York, 1785–88, Vol. I, p. 275.

In North Carolina, jurors were only required to be "freeholders."

North Carolina Revised Laws, 1715–1796, Vol. I, p. 395.

Pennsylvania jurors were required to be "sober and judicious persons of good reputation and none other."

Pa. Stat. at Large, 1682–1801, Vol. XI p. 487.

Rhode Island jurors were required to be freeholders who have "a sufficient estate to him free of this State."

Rhode Island Public Laws, Revised 1798, p. 186.

In South Carolina, jurors were drawn from lists drawn up by the General Assembly. The laws provided that, "the several persons whose names are mentioned and contained in the lists or schedule hereunto annexed and all persons who hereafter shall be named and appointed to serve as jurymen by the General Assembly . . . shall be deemed and taken to be qualified to serve and act as jurymen on all trials and inquests whatsoever. . ."

South Carolina Statutes, 1716–1752, p. 781.

In Virginia, jurors were required to be "discreet freeholders" and "citizens of the State."

Virginia Laws, 1776–1801, pages 139, 442.

Soon after the adoption of the Constitution, Alabama, Illinois, Louisiana, Ohio, Mississipi, among others, were admitted.

In Alabama, jurors were required to be over twenty-one years of age, under sixty, and not in ill health.

Alabama Digest of Laws, 1833, p. 295.

Illinois required her jurors to be "good and lawful men." Housekeepers were also deemed qualified.

Pope's Digest 1815, Vol. II p. 71.

Louisiana required jurors to be qualified electors. Qualified electors were those persons who owned at least fifty acres of land in the State.

General Digest of the Acts of the Legislature of the State of Louisiana, 1816, pages 192, 282.

In Ohio jurors were required to be "judicious persons having the qualification of electors . . ."

Ohio Laws, Rev. 1824, p. 95.

Qualified electors were "all white male inhabitants above the age of twenty-one years, having resided in the State one year next preceding the election . . . who have paid or are charged with a state or county tax . . ."

Statutes of Ohio, Vol. XXII p. 21.

In Mississippi, the jury requirements were that "No person under the age of twenty-one years, or above the age of sixty, nor any person continually sick, or who may be diseased at the time of the summons . . . shall be summoned on a jury." Additionally only "freeholders" and "householders" were drawn for such service.

Statutes of the Mississippi Territory, (1816) p. 157, 182.

Of the states later admitted, I have selected at random Arizona, California, Florida, Oklahoma, Oregon, Michigan, Montana and New Mexico.

Arizona required her jurors to be citizens of the United States, electors of the county in which they are returned, but failure to pay poll taxes would not disqualify persons from serving as jurors, over twenty-one and under sixty years of age, in the possession of his natural faculties.

In California, a juror was required to (1) Be a citizen of the United States, a qualified elector of the county, and a resident of the township at least three months (2) Be in possession of his natural faculties (3) Have sufficient knowledge of the language in which the proceedings of the courts are had (with the exception of certain counties) (4) Have been assessed on the last assessment roll of the township or county on real or personal property or both, belonging to him, if a resident at the time of the assessment. (California General Laws, 1850–1864, p. 561)

In Florida, all jurors were required to be free, white, male citizens of the United States; householders, inhabitants and residents of the State, above the age of twenty-one years and under Sixty years. (Florida Digest of Laws, 1847, p. 344)

Oklahoma required her jurors to be male residents, qualified electors over twenty-one years of age and of sound mind and discretion. (Oklahoma Laws, 1907, '08, p. 467)

Oregon and Michigan both required their jurors to be electors. (Oregon Stat. 1853, p. 166; Michigan, Rev. Stat. 1838, p. 35, 429)

Montana required jurors to be taxpayers. (Montana Compiled Statutes 1887, p. 1008). New Mexico required jurors to be owners of real estate and head of a family. (Laws 1865, p. 496)

Down through the years, it has always been the law that the qualifications of jurors are matters of legislative control, subject only to the Fourteenth Amendment. *United States* v. *Roemig*, 52 F. Supp. 857; *Hoxie* v. *United States*, 15 F. 2d 762; *Tynam v. United States*, 297 Fed. 177.

In the Federal Court, Congress may determine such qualifications.

State legislatures determine the qualifications in state courts.

In my state, jury commissioners select from the books of the tax receiver "upright and intelligent citizens" to serve as jurors.

The late Justice Warren Grice of our Supreme Court wrote on the subject in *Watkins* v. *The State*, 199 Ga. 81, 95.

"Jury service is not a right, nor a privilege; but a burden which the State summons certain of its citizens to bear. In the administration of justice with us, issues of fact are

submitted to a jury. Mr. Justice Black in *Smith* v. *Texas*, supra, (311 U.S. 128) remarked that, 'It is a part of the established tradition in the use of juries as instruments of public justice that the jury be a body truly representative of the community.' No such tradition has been established in Georgia. In every community in this State, as in every other State, there are idiots, insane persons, men enfeebled by age, vagabonds, and also men of bad character, white and black. We in this State exclude all such from jury service. We also exclude (1945) females and minors. Our juries, therefore, are not bodies 'truly representative of the community.' We go further. We impose the burden only on those who are upright and intelligent, and not upon all of them. We leave it to the discretion and judgment of the jury commissioners to place on the jury list such of these as in their opinion constitute a sufficient number to carry on the work required of juries. Under our system, the jury is not, therefore, necessarily a cross section of the entire community, but a chosen body selected from a larger number to assist in the administration of justice."

It was after that that the Thiel case was decided. (Not Thiel v. Union Pacific, but *Thiel* v. *Southern Pacific R. Co.*, 328 U.S. 217.)

That case pertained to the composition of juries in the federal courts and announced the rule that prospective jurors should be selected by court officials without systematic and intentional exclusion of any economic, social, religious, racial, political and geographical group of the community.

In that case, as Justice Frankfurter pointed out in his dissent (328 U.S. at p. 227) no constitutional issue was at stake. The sole question was whether the established practice in the Northern District of California not to call for jury duty those otherwise qualified but dependent on a daily wage for their livelihood required the reversal of a judgment which was inherently without a flaw.

The Court decided 6 to 2 that it did.

This Congress has a perfect constitutional right, if it so desires, to write into the Federal Statutes the principle of that decision and so prescribe a rule for the composition and selection of juries in the Federal Courts.

It has a perfect right, if it so desires, to provide for a jury commission (§ 1863), and compel that jury commission to maintain a master jury wheel, and to place in it "names selected at random from the voter registration lists." (§ 1864)

Probably realizing that those lists may now contain names of those whom the State may not subject to literacy tests, the drafters prescribe some qualifications for jury service (§ 1866) which shall be determined by the jury commission solely on the basis of information provided on the juror qualification form or a returned summons. (§ 1865)

Those qualifications would debar certain people (§ 1866(b)). Among those debarred from jury service would be a person convicted in a State or Federal Court of a crime punishable by imprisonment for more than one year whose civil rights have not been restored by pardon or amnesty.

It would make no difference that he had been many times convicted of various misdemeanors. He would still be qualified to pass on the life, liberty or property of persons prosecuted or litigating in Federal Courts.

If the Congress desires juries so composed to act in the administering of justice in the courts it has ordained and established, Congress has that power. Such juries will sit in the North as well as the South, in the East as well as the West.

Today, when the courts are so zealously and jealously guarding the right of trial by jury, it does seem to me that the Congress would be of the mind to strengthen the jury system rather than to weaken it. Those juries ought to be so composed as to be equipped to decide intelligently as well as numerically the questions which are presented to them. A jury composed of people without sufficient intelligence to understand the instructions given in charge by the Presiding Judge is no jury. When the Constitution preserved and guaranteed trial by jury it contemplated trial by a jury whose members were equipped to determine the questions submitted to them. Due process so requires.

A person may be able to read, write, speak and understand the English language (§ 1866 (2)) as required by the bill, and yet not be able to add 2 and 2, or know the meaning of the simplest terms which recur in the trial of the simplest law suit.

Even as applied to Federal Courts, this bill is just another step in the process of establishing a government of the ignorant, by the ignorant, for the ignorant.

Of course, it will be quite a boon to the Department of Justice to be able to try income tax cases and condemnation cases and antitrust cases or any other cases involving the property of citizens before a jury composed of those dependent for their subsistence on payments of one kind or another from the government. But will that boon tend to promote impartial, complete administration of justice?

Title II presents very different questions.

Its basis is Section 201: "No person or class of persons shall be denied the right to serve on grand and petit juries in a state court on account of race, color, religion, sex, national origin, or economic status."

In the first place a person has no *"right"* to serve on any jury. Jury service is a privilege conferred by the State upon such of its citizens as it deems worthy of the privilege of participating in the administration of justice.

It is no more a *right* than is the privilege or license of engaging in the practice of law or of medicine, or of practicing as a barber, beautician, embalmer, or plumber. The State may require certain qualifications in those whom it permits to affect the health, safety and general welfare of its citizens—and it may require qualifications deemed necessary by it to be possessed by those to whom it entrusts the life, liberty and property of those within its jurisdiction.

The right of a State to establish those qualifications existed when the Union was formed. The right was reserved to it by the Tenth Amendment.

The right may now be exercised as the judgment of the State dictates unless it has been restricted by an amendment later than the Tenth.

Does the Fourteenth Amendment give to Congress the right to enact a statute providing that a State may not restrict the privilege of jury service to males."

Does it give to Congress the right to enact a statute providing that a state may not consider the economic status of its citizens in determining their qualifications for jury service in courts of the State?

Those are the great questions which this bill in Title II involves.

Strauder v. West Virginia, 100 U.S. 303, was one of the very first cases decided construing the Fourteenth Amendment. The Court there held that "compelling a colored man to submit to a trial for his life by a jury drawn from a panel from which the State has expressly excluded every man of his race, because of color alone, however well qualified in other respects" is a denial to him of equal legal protection.

It was in this case, that, too, the Supreme Court said: "We do not say that within the limits from which it is not excluded by the Amendment a State may not prescribe the qualifications of its jurors, and in so doing make discriminations. It may confine the selection to *males, to freeholders*, to citizens, to persons within certain ages, or to persons having educational qualifications. We do not believe the Fourteenth Amendment was ever intended to prohibit this." (p. 310, emphasis added)

Contemporaneously, the Court held that that did not mean that every colored man had a right to be tried by a jury composed in part of colored men.

Virginia v. Rives, Ibid, p. 313.

And see *Neal v. Delaware*, 103 U.S. 370.

When it was the "law of the land" that the first ten amendments to the Federal Constitution contain no restrictions on the powers of the State, but were intended to operate solely on the Federal government, the Supreme Court (1899) decided the case of Brown v. New Jersey, (175 U.S. 172)

This case dealt with the validity of what was known to the New Jersey statutes as a "struck jury." These statutes provided for a method of choosing a jury from a panel.

In the course of the opinion the court said:

"The State has full control over the procedure in its courts, both in civil and criminal cases, subject only to the qualification that such procedure must not work a denial of fundamental rights or conflict with specific and applicable provisions of the Federal Constitution. . . . 'The Fourteenth Amendment does not profess to secure to all persons in the United States the benefit of the same laws and the same remedies. Great diversities in these respects may exist in two States separated only by an imaginary line. On one side of this line there may be a right of trial by jury, and on the other side no such right. Each State prescribes its own method of judicial proceeding.'

. . . The State is not tied down by any provision of the Federal Constitution to the practice and procedure which existed at the common law. Subject to the limitations heretofore named it may avail itself of the wisdom gathered by the experience of the century to make such changes as may be necessary. For instance, while at the common law an indictment by the grand jury was an essential preliminary to trial for felony, it is within the power of a State to abolish the grand jury entirely and proceed by information. Hurtado v. California, 110 U.S. 516. In providing for trial by a struck jury, empaneled in accordance with the provisions of the New Jersey statute, no fundamental right of the defendant is trespassed upon. The manner of selection is one calculated to secure an impartial jury. 'The accused cannot complain if he is still tried by an impartial jury. He can demand nothing more.' " (op. cit. p. 175)

Even if under more recent adjudications of the Supreme Court, the Sixth and Seventh Amendments now apply to the States, the legal situation would not be changed for property-owning and tax-paying qualifications were not forbidden by the common law. As I have shown, many of the original thirteen states had them.

As late as 1946, the qualifications of federal court jurors were determined under state law. (28 U.S.C.A. old Section 411). Undoubtedly the sixth and seventh amendments applied to the United States but such application was not deemed to have any effect on their adoption of the state law. (See *Ballard, et al. v. United States*, 329 U.S. 187. (1946))

In 1948, old section 28–411 was revised so as to prescribe (§ 28–1861) uniform standards of qualification for jurors in Federal Courts instead of making qualifications depend upon State laws.

Even that revision had a provision (§ 28–1861(4)) that one could not serve as a Federal juror if he was incompetent to serve as a grand or petit juror by the law of the State in which the district court was held.

In 1957, that section was amended by eliminating that provision.

The next year it was decided that Congress has authority to set up qualifications for federal jurors without regard to qualifications that may be set up by state legislatures of the states wherein the federal district courts sit. *United States* v. *Wilson*, 158 F. Supp. 442, affirmed 255 F. 2d 686, cert. denied 358 U.S. 865, 79 S. Ct. 97.

Fay v. *People of the State of New York*, 332 U.S. 261, was decided in 1947.

The opinion of the Court contained this language:

"The function of this federal Court under the Fourteenth Amendment in reference to state juries is not to prescribe procedures but is essentially to protect the integrity of the trial process by whatever method the state sees fit to employ. No device, whether conventional or newly devised, can be set up by which the judicial process is reduced to a sham and the courts are organized to convict. They must be organized to hear, try and determine on the evidence and the law. But beyond requiring conformity to standards of fundamental fairness that have won legal recognition, this Court has always been careful not so to interpret this Amendment as to impose uniform procedures upon the several states whose legal systems stem from diverse sources of law and reflect different historical influences.[1] "

More recently (1961) the Court has decided *Hoyt* v. *Florida*, 368 U.S. 57, wherein at pages 59–60, the Court said: "We of course recognize that the Fourteenth Amendment reaches not only arbitrary class exclusions from jury service based on race or color but also all other exclusions which 'single out' any class of persons 'for different treatment not based on some reasonable classification.' "

It was in that case that the Court said: "We cannot say that it is constitutionally impermissible for a State, acting in pursuit of the general welfare, to conclude that a woman should be relieved from the civic duty of jury service unless she herself determines that such service is consistent with her own special responsibilities." (Op. cit. p. 62)

That being the law of the land, how, then, can Congress say to the states that no person or class of persons shall be denied the right to serve on their juries on account of sex?

There remains for discussion, therefore, the question of whether a State may establish some form of "economic status" as a criterion or classification for jury service.

It is important in this connection to recall that many of the States at the time of the adoption of the Constitution and thereafter required that the jurors in their courts be taxpayers or freeholders.

For many, many years the Federal Government recognized the reasonableness of this criterion or classification by adopting the States' rules of qualification as its own.

Another important factor is stated by Mr. Justice Black in the opinion of the Court in *Kotch et al.* v. *Board of River Port Pilot Commissioners for the Port of New Orleans, et al.*, 330 U.S. 552, at page 557: "And an important factor in our consideration is that this case tests the right and power of a state to select its own agents and officers. Taylor v. Beckwith, 178 U.S. 548 . . .; Snowden v. Hughes, 321 U.S. 1, 11–13.

Just a few weeks ago, (March 24, 1966) Justice Black very forcefully applied the Kotch case, supra, in his dissenting opinion in the *Virginia Poll Tax case*, 86 S. Ct. 1079, 1085. In the final analysis, I assume that if Congress enacts Title II of this bill its constitutionality will be determined by the yardstick of that case. (*Harper* v. *Virginia State Board of Elections*, ——— U.S. ———, 86 S. Ct. 1079)

So this phase of this statement may well conclude with applications to this Title of (a) Justice Black's dissent; (b) the dissent of Justices Harlan and Stewart; (c) the reasoning of the opinion of the Court delivered by Justice Douglas.

Time does not permit me to include in this statement the entire dissenting opinion of Mr. Justice Black. Even if it did, it would be unnecessary for anyone desiring to read all of it will find it beginning at page 1083 of 86 Supreme Court Reporter (advance sheet of April 15, 1966.)

Bear in mind that what the majority there held was that voter qualifications have no relation to wealth nor to paying or not paying a tax.

Justice Black pointed out: "The equal protection cases carefully analyzed boil down to the principle that distinctions drawn and even discriminations imposed by State laws do not violate the Equal Protection clause so long as these distinctions and discriminations are not 'irrational,' 'irrelevant,' 'unreasonable,' 'arbitrary,' or 'invidious.' The restrictive connotations of these terms . . . (citing cases) are a plain recognition of the fact that under a proper interpretation of the Equal Protection clause States are to have the broadest kind of leeway in areas where they have a general constitutional competence to act."

At this point Justice Black quoted from *Metropolitan Casualty Insurance Co.* v. *Brownell*, 294 U.S. 580, 584, as follows:

"A statutory discrimination will not be set aside as the denial of equal protection of the laws if any state of facts reasonably may be conceived to justify it."

Bear in mind that the equal protection clause applies not only to citizens but to all persons within the jurisdiction of the State.

Despite that, certainly a State may restrict service as jurors to those persons who are citizens.

And "there is nothing in the Fourteenth Amendment which prevents a State from excluding and exempting from jury duty certain classes on the *bona fide* ground that it is for the good of the community that their regular work should not be interrupted."

Rawlins v. *Georgia*, 201 U.S. 638 (per Justice Holmes).

So lawyers, ministers, doctors, dentists, railway engineers and firemen may be excluded. There may be age limits.

And "economic status" as a factor will not be considered as arbitrary or invidious if there is any state of facts which reasonably may be conceived to justify it.

I should think that if a person is entirely dependent upon the government of the United States or the state government for his subsistence, that the State might well think that he should not be a juror—particularly in cases in which the United States or a State is a party.

I should think that if a person has not been able to accumulate and retain an amount of property sufficient for his name to appear on the tax digests of his county that the State might well think that he should not adjudge the rights of a fellow citizen whose life, liberty or property were in jeopardy.

"Economic status" as a criterion cannot be judicially determined to be arbitrary and capricious when we know that "In England a property qualification for jury duty was required by statute at a very early date (*Commonwealth* v. *Dorsey*, 103 Mass. 412) and similar statutes have from time to time been enacted in this country. Although . . . these statutes usually relate only to the ownership and occupancy of real property, in some cases the statutes may require the ownership of personal property of a certain value. (*Conway* v. *Clinton*, 1 Utah 215)"

Juries, 50 C.J.S. § 147, p. 869 (Citation interpolated).

See also 50 C.J.S. § 147(b), p. 869.

And *Kerwin* v. *People*, 96 Ill. 206, *Bradford* v. *State*, 15 Ind. 347, *McKnight* v. *Seattle*, 39 Wash. 516, 81 Pac. 998.

"Under some statutes it is required that a juror be a person whose name is on the assessment rolls as a taxpayer." 50 C.J.S. § 148.

The Supreme Court of the United States in *Brown* v. *Allen*, 344 U.S. at page 471, quotes from *Strauder* v. *West Virginia*, 100 U.S. 303, 310 (supra) showing that a state was permitted to "confine the selection (of jurors) to males, *to freeholders*, to citizens, to persons within certain ages or to persons having educational qualifications."

The Court today might not agree with that court of 1880 "composed of justices familiar with the evils the amendment sought to remedy" but whether or not it agrees, that ruling would prevent a classification as to "freeholders" from being arbitrary or capricious.

And in that case at p. 474 (*Brown* v. *Allen*, 344 U.S. 443, 474) the Supreme Court said:

"Short of an annual census or required population registration, these tax lists offer the most comprehensive source of available names. We do not think a use, *non-discriminatory as to race, of the tax lists violates the Fourteenth Amendment* . . ." (Emphasis added)

Justice Black continued:

"And if history can be a factor in determining the 'rationality' of discrimination in a state law (which we held it could in Kotch v. River Ports Pilot Comms. supra), then whatever may be our personal opinion, history is on the side of 'rationality' of the

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"[1] While English common law is the source from which it often is assumed a uniform system was derived by the States of the United States, it must not be overlooked that many of them have been deeply influenced by Roman and civil law to which their history exposed them. None of the territory west of the Alleghenies was more than briefly or casually subject to common law before the Revolution. French civil law prevailed in most of the Ohio and Mississippi Valleys from their settlement until Wolfe's decisive victory before Quebec in 1763. Its ascendancy in the north then was broken, and in 1803, the Louisiana Purchase ended French sovereignty in the rest of the Mississippi area. Louisiana continues, however, a system of law based on the Code Napoleon. The Southwest and Florida once were Spanish. See Colvin, Participation of the United States of America with the Republics of Latin America in the Common Heritage of Roman and Civil Law, 10 Proceedings of the Eighth American Scientific Congress 467.

"Even among the early seaboard States, the English common law had rivals. The Swedes on the banks of the Delaware held one of the earliest jury trials on this continent. The Governor followed Swedish law and custom in calling to his aid in judging 'assistants' who were selected from among 'the principal and wisest inhabitants' and were both judges and jurors and sometimes witnesses. See 1 Johnson, The Swedish Settlements on the Delaware (1911) 450 et seq. In New York, there was a deep and persistent influence from Roman and Dutch law. Upon capitulation of New Amsterdam, it was stipulated that certain Dutch law, and judgments and customs should be respected. But even beyond this, in the organization of the courts the Dutch rule persisted although contrary to the 'Duke's Laws' enacted by the conqueror. The history of the early Dutch influence in New York court procedure was preserved by the diligence and foresight of Judge Daly. 1 E. D. Smith's Reports (New York Common Pleas) xvii, xxxiv, xxxvii. The Roman-Dutch element in New York law is recognized by its courts, e.g. Dunham v. Williams, 37 N.Y. 251, 253; Van Giessen v. Bridgford, 83 N.Y. 348, 356; Smith v. Rentz, 131 N.Y. 169, 175, 30 N.E. 54, 15 L.R.A. 138."

State's poll tax policy. Property qualifications existed in the Colonies and were continued by many States after the Constitution was adopted." (86 S. Ct. at pp. 1085–6).

Georgia was using the books of the Receiver of Tax Returns as a basis for determining the constitution of "the body of petit jurors" certainly as early as 1861. (See Code of 1861, § 3837.)

Those books were not being so used for the purpose of barring negroes from jury service for they were expressly barred (Code of 1861, § 3836) by a section of the same code which confined competency to "free white male citizens."

Passing to the dissent of Justices Harlan and Stewart, at page 1090, they posed the question at issue: "Is there a rational basis for Virginia's poll tax as a voting qualification?"

They thought the answer to that question to be "yes." They supported their opinion thus:

"Property qualifications and poll taxes have been a traditional part of our political structure. In the Colonies the franchise was generally a restricted one. Over the years these and other restrictions were gradually lifted, primarily because popular theories of political representation had changed. Often restrictions were lifted only after wide public debate. The issue of woman suffrage, for example, raised questions of family relationships, of participation in public affairs, of the very nature of the type of society in which Americans wished to live; eventually a consensus was reached, which culminated in the Nineteenth Amendment no more than 45 years ago.

Similarly with property qualifications, it is only by fiat that it can be said, especially in the context of American history, that there can be no rational debate as to their advisability. Most of the early Colonies had them; many of the States have had them during much of their histories; and whether one agrees or not, arguments have been and still can be made in favor of them. For example, it is certainly a rational argument that payment of some minimal poll tax promotes civic responsibility, weeding out those who do not care enough about public affairs to pay $1.50 or thereabouts a year for the exercise of the franchise. It is also arguable, indeed it was probably accepted as sound political theory by a large percentage of Americans through most of our history, that people with some property have a deeper stake in community affairs, and are consequently more responsible, more educated, more knowledgeable, more worthy of confidence, than those without means, and the community and Nation would be better managed if the franchise were restricted to such citizens. Nondiscriminatory and fairly applied literacy tests, upheld by this Court in Lassiter v. Northampton County Board of Elections, 360 U.S. 45, 79 S. Ct. 985, 3 L. Ed. 2d 1072, find justification on very similar grounds."

"Property and poll-tax qualifications, very simply, are not in accord with current egalitarian notions of how a modern democracy should be organized. It is of course entirely fitting that legislatures should modify the law to reflect such changes in popular attitudes. However, it is all wrong, in my view, for the Court to adopt the political doctrines popularly accepted at a particular moment of our history and to declare all others to be irrational and invidious, barring them from the range of choice by reasonably minded people acting through the political process. It was not too long ago that Mr. Justice Holmes felt impelled to remind the Court that the Due Process Clause of the Fourteenth Amendment does not enact the *laissez-faire* theory of society, Lochner v. People of State of New York, 198 U.S. 45, 75–76, 25 S.Ct. 539, 546, 49 L.Ed. 937. The times have changed, and perhaps it is appropriate to observe that neither does the Equal Protection Clause of that Amendment rigidly impose upon America an ideology of unrestrained egalitarianism."

The foregoing are the views of the three dissenting Justices.

It remains to be demonstrated that the reasons assigned by the majority of the Court for nullifying Virginia's poll tax would by no means support the conclusion that a State cannot use "economic status" as one of its legislative criteria for the determination of the competency of jurors in its courts.

The very basis of the majority opinion is that the right to vote in federal elections is conferred by the Constitution, and once the franchise is granted to the electorate, lines may not be drawn which are inconsistent with the Fourteenth Amendment.

Service on a jury is a privilege—not a right. The Constitution confers upon no one the right to serve on a jury. The state legislature grants the privilege which is quite different from "the political franchise of voting" and not a "fundamental political right, because preservative of all rights."

The concluding paragraph of the opinion graphically demonstrates the differences.

Justice Douglas concluded ". . . wealth or fee paying has, in our view, no relation to voting qualifications . . ."

"Economic status" did under the common law of England have a relation to the privilege of serving on a jury, and continues to have, in the view of many state legislatures, a relation to that privilege.

The question is not whose "view" is correct?

The question is merely whether the view of the state legislatures is arbitrary, capricious, invidious, without any justification based on any state of facts which may be reasonably conceived.

In the light of repeated decisions of the Supreme Court of the United States, it is difficult to imagine how this question is capable of being answered save in one way.

I cannot see how there can be a more complete answer to it than that given by Chief Justice Warren in his opinion for the Court in *McGowan, et al.* v. *State of Maryland*, 366 U.S. 420. That case was decided May 21, 1961. Only Justice Douglas dissented. Justices Black, Clark, Harlan, Brennan and Stewart of those now on the Court were there then.

Restating the age-old doctrine, "A statutory discrimination will not be set aside if any state of facts reasonably may be conceived to justify it," the Chief Justice and the Court (save Justice Douglas) applied it in upholding Maryland's Sunday closing laws or Sunday Blue Laws.

Almost contemporaneously (May 29, 1961), Chief Justice Warren wrote for a majority of the Court in *Gallagher* v. *Crown Kosher Super Market of Massachusetts, Inc., et al.*, 366 U.S. 617, and in *Two Guys from Harrison-Allentown, Inc.* v. *McGinley*, 366 U.S. 582, and in *Braunfield, et al.* v. *Braun*, 366 U.S. 599, all upholding State Sunday closing laws. (May 29, 1961).

Finally as to this Title let it be observed that if it becomes effective, its application will not merely be local. It will not affect the South alone. The States of the North, the East and the West will feel its impact perhaps even more strongly than the Southern States.

TITLE IV

Section 401 of this Title provides: "It is the policy of the United States to prevent, and the right of every person to be protected against, discrimination on account of race, color, religion, or national origin in the purchase, rental, lease, financing, use and occupancy of housing throughout the nation."

Assuming that to be a correct statement of the policy of the United States, which I rather doubt when I read the outcries against this particular Title, the question is whether the Congress has the Constitutional power to enforce that policy as it is requested to do in the sections of the Title which follow 401.

As I write this (June 8, 1966) it appears that the "policy" expressed in Section 401 may be abandoned by its sponsors.

The principle expressed in the policy may be about to succumb to political expediency.

Writing of this section that would in the words of the editorial writer "ban discrimination in sale or rental of residential units," an editorial writer in the Atlanta Constitution of June 8, 1966 (page 4) says:

"Laudable as the aims of this section are, the proposal is questionable on constitutional grounds. And, more to the point, it simply doesn't have the Republican support needed to counterbalance Southern Democratic opposition. It's time to be realistic. The housing section just doesn't have a chance at this session. The personal protection and jury list sections are vital. So it's time to separate the housing section from the main bill and press on to adoption of the other portions."

The statement that the section is "questionable on constitutional grounds" is a model of understatement.

The statement that the jury list section is *vital* would be difficult to understand in the absence of the thought that the writer of that editorial had probably never read the "jury list section" or, if he had, had considered its implications.

That the section is unconstitutional is thoroughly demonstrated by the Civil Rights Cases, 109 U.S. 3 which still live and were applied by the court in the famous case of *Shelley* v. *Kraemer*, 334 U.S. 1, which held (1948) that state court enforcement of restrictive covenants which have for their purpose the exclusion of persons of designated race or color from ownership or occupancy of real property could not be justified.

But—even in so holding, the Court said:

"Since the decision of this Court in the Civil Rights cases, 1883, 109 U.S. 3, the principle has become firmly embedded in our constitutional law that the action inhibited by the first section of the Fourteenth Amendment is only such action as may fairly be said to be that of the States. *That Amendment erects no shield against merely private conduct, however discriminatory or wrongful.*" (334 U.S. at p. 13, emphasis added.)

As late as March 28, 1966, the Court said: "This has been the view of the Court from the beginning. . . . It remains the Court's view today." 86 S. Ct. 1170, at p. 1176.

And just two months before (Jan. 17, 1966), Mr. Justice Douglas had written in *Evans, et al.* v. *Newton, et al.*, 86 S. Ct. 486, 488: "There are two complementary principles involved in this case. One is the right of the individual to pick his own associates so as to express his preferences and dislikes, and to fashion his private life by joining such clubs and groups as he chooses."

And further, p. 489:

"If a testator wanted to leave a school or center for the use of one race only and in no way implicated the State in the supervision, control or management of that facility, we assume *arguendo* that no constitutional difficulty would be encountered."

Despite these established principles of Constitutional Law, the Attorney General of the United States, on May 4, 1966, commenced his discussion (before the House Committee) of the Housing Title by saying:

"In the Civil Rights Act of 1866 Congress declared:

"'All citizens of the United States shall have the same right, in every State and Territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold, and convey real and personal property." (42 U.S.C. 1982)'"

That is a correct statement.

It is also correct to say that this section was formerly Section 1978 of the Revised Statutes, and 8 U.S.C. § 42. When so designated it was considered by the Supreme Court of the United States in *Hurd* v. *Hodge*, 334 U.S. 24, and of it (pp. 31–32) the Court said:

"We may start with the proposition that the statute does not invalidate private restrictive agreements so long as the purposes of these agreements are achieved by the parties through voluntary adherence to the terms. The action toward which the provisions of the statute under consideration is directed is *governmental action*. Such was the holding of Corrigan v. Buckley, supra." (271 U.S. 323, 46 S. Ct. 521) (Emphasis added)

Corrigan v. Buckley, as well as Hurd v. Hodge, involved restrictive covenants as to the sale of real estate. The former involved dwelling houses on "S" Street between 18th and New Hampshire Avenues in the City of Washington. In it (271 U.S. at page 330) the Court said:

". . . the prohibitions of the Fourteenth Amendment 'have reference to State action exclusively, and not to any action of private individuals.' . . . 'It is state action of a particular character that is prohibited. *Individual invasion of individual rights is not the subject-matter of the Amendment.*' Civil Rights Cases, 109 U.S. 3, 11 . . . *It is obvious that none of these amendments prohibited private individuals from entering into contracts respecting the control and disposition of their own property;* . . . (Emphasis added)

At page 331, considering, among others, the very statute which the Attorney General took as his text, the Court said:

". . . it is obvious, upon their face, that while they provide, inter alia, that all persons and citizens shall have equal right with white citizens to make contracts and acquire property, they, like the Constitutional Amendment under whose sanction they were enacted *do not in any manner prohibit or invalidate contracts entered into by private individuals in respect to the control and disposition of their own property.*" (Emphasis added)

The Court which so stated was headed by Chief Justice Taft, and had among its members Justices Holmes, Brandeis and Stone. There were no dissents.

Despite this established law of the land the Attorney General seeks to have Congress enact legislation banning and rendering illegal "contracts entered into by private individuals" and acts and actions of private individuals, and seeks to justify such legislation "primarily on the Commerce clause of the Constitution and on the Fourteenth Amendment." "I have no doubts whatsoever" he says, "as to its constitutionality."

So far as the Fourteenth Amendment is concerned, I have no doubts whatsoever as to its unconstitutionality unless the Supreme Court should, for some reason, overrule a continuous line of authorities extending over a period from 1883 to March of 1966.

As to the Commerce clause, I merely say that since the decisions in the *Heart of Atlanta Motel case*, 379 U.S. 241, and *Katzenbach v. McClung*, 379 U.S. 294, I do not pretend to know just what the scope of the Commerce clause is.

I do suggest that in the Heart of Atlanta Motel case, the opinion of the Court considered and deemed "without precedential value" the decision in the Civil Rights cases because the 1875 Act there involved broadly proscribed discrimination in inns etc. "without limiting the categories of affected businesses to those impinging upon interstate commerce." (p. 250)

"In contrast" said the Court (p. 250–1) "the applicability of Title II is carefully limited to enterprises having a direct and substantial relation to the interstate flow of goods and people, except where state action is involved."

In the McClung case, the Court considered the application of Title II "to restaurants which serve food a substantial portion of which has moved in commerce." (p. 298)

In Title IV of S–3296, I do not find any reference to the commerce clause, or its language, or any words indicating that the discriminations sought to be banned have any relation whatever to the interstate flow of goods and people.

If A refuses to rent a dwelling to B because of B's race, color, religion, or national origin, (Title IV § 403(a)), it is impossible for me to see how commerce between the States is affected in the remotest degree.

The impossibility, as far as I am concerned, extends to §§ 403–(b–e), and to Section 404, although I have read what the Attorney General said on that phase of the subject matter. (Pages 21, et seq. of his statement to the House Committee.)

The Attorney General seems to rely greatly on *Wickard* v. *Filburn*, ——— U.S. ———, wherein the Court held that the Agricultural Adjustment Act could validly apply to a farmer who sowed only 23 acres of wheat, almost all of which was consumed on his farm.

I live in a dwelling which I purchased in 1919. I have lived in it continuously since. The mortgage which formerly covered it has long since been removed. If its brick or hardware or plaster or paint ever "moved" in interstate commerce, they have long since come to rest. If I should refuse to sell that house to a person because of his race, color, religion or natural origin, would I be subject to the sanctions of Title IV?

CONCLUSION

I cannot conceive of a better reply to the statement of the Attorney General to which I have referred than words of Mr. Justice Hugo Black uttered March 24, 1966 in his dissent in the case of *Harper, et al. Appellants* v. *Virginia State Board of Elections, et al.*, 86 S. Ct. 1079, 1087–8.

They are, I think, particularly apt and timely because of the appeal which is being made to the Congress to disregard the past adjudications of the Court, to disregard the Constitution, and to substitute for them its own conceptions of right and wrong, to enact a law said to be "designed to help achieve equality in the market place." (p. 15)

Justice Black's words follow: "The Court's justification for consulting its own notions rather than following the original meaning of the Constitution, as I would, apparently is based on the belief of the majority of the Court that for this Court to be bound by the original meaning of the Constitution is an intolerable and debilitating evil; that our Constitution should not be 'shackled to the political theory of a particular era,' and that to save the country from the original Constitution the Court must have constant power to renew it and keep it abreast with this Court's more enlightening theories of what is best for our society. It seems to me that this is not only an attack on the great value of our Constitution itself but also on the concept of a written constitution which is to survive through the years as originally written unless changed through the amendment process which the Framers wisely provided. Moreover, when a 'political theory' embodied in our Constitution becomes out-dated, it seems to me that a majority of the nine members of this Court are not only without constitutional power but are far less qualified to choose a new constitutional political theory than the people of this country proceeding in the manner provided by Article V."

I suggest therefore that the Congress ought not to be asked to enact a statute, and certainly should not enact it merely because the Court may test its validity not by established constitutional principles but by some "new constitutional political theory."

That far in my quoting from Justice Black he was treating of the Court's power and duty.

He proceeded:

"The people have not found it impossible to amend their Constitution to meet new conditions. The Equal Protection clause itself is the product of the people's desire to use their constitutional power to amend the Constitution to meet new problems."

I interpolate—So are the Income Tax Amendment, and the Direct Elections of Senators Amendment and the Woman Sufferage Amendment. So was the Prohibition Amendment, and its repealing amendment. So was the amendment limiting the terms of service of a President. When one man was elected President four successive terms, the people acted as provided in the Constitution.

Justice Black proceeded:

"Moreover, the people, in § 5 of the Fourteenth Amendment, designated the governmental tribunal they wanted to provide additional rules to enforce the guarantees of that Amendment. The branch of government they chose was not the Judicial Branch but the Legislative. I have no doubt at all that Congress has the power under § 5 to pass legislation to abolish the poll tax in order to protect the citizens of this country if it believes that the poll tax is being used as a device to deny voters equal protection of the law. See my concurring and dissenting opinion in South Carolina v. Katzenbach, 86 S. Ct. 803."

It is quite clear that discriminatory use by the State of a poll tax created by state statute would be "state action" and therefore subject to control by appropriate legislation under the Fourteenth Amendment (§ 5). In the Katzenbach case (at p. 832) Justice Black had said: "I have no doubt whatever as to the power of Congress . . . to enact the provisions of the Voting Rights Act of 1965 *dealing with the suspension of state voting tests* that have been used . . . *to deny and abridge voting rights on racial grounds.*" (Emphasis added)

It is equally clear that Congress does not have the power under § 5 to pass legislation preventing "discrimination" if the discrimination consists of wrongs done by individuals. (86 S. Ct. at 1176) "This has been the view of the Court from the beginning . . . It remains the Court's view today." 86 S. Ct. 1176 (March 28, 1966).

MANPOWER SERVICES ACT OF 1966—TECHNICAL CORRECTIONS

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the Secretary of the Senate make some corrections in S. 2974, which are entirely technical. The bill was passed yesterday and those corrections should be made.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

BOMBING OF STRATEGIC OIL AND GAS SUPPLIES SUPPORTED

Mr. CANNON. Mr. President, the President of the United States yesterday ordered the bombing of strategic oil and gas supplies in the Haiphong and Hanoi area. Much comment has ensued in support or condemnation of this action. I wish to make my views understood at this time.

I support the action taken by the President without reservation and, in fact, urged him to make this type of decision late last year and again early this year.

It has been clear for some time that the North Vietnamese were wholly unresponsive to our request, indeed our pleas, to join us at the conference table in a peaceful resolution of the struggle which has engulfed the unhappy people of South Vietnam. This statement has been true since the failure of the cease fire some 6 months ago which we initiated without results.

As I wrote the President on January 28 of this year, I believe that our policy has suffered in southeast Asia just as it suffered in Korea from a too-heavy reliance on civilian advice and reluctance to permit the military commanders to accomplish our limited objectives.

The results of yesterday's bombing of the oil and gas depots in my opinion will hasten the end of this war more than any protestation of peace made by the administration. I concur completely with the chairman of the Senate Armed Services Committee, of which I am a member, when he said that we should, in effect, win this war or get out.

Events of June 29 will represent an important step in bringing about a growing realization in Hanoi and Peking that their intransigence is both futile and self-destructive.

I hope, Mr. President, that the Commander in Chief now moves toward a policy of continuing the military pressure. I believe that we should, in the near future, move to blockade or mine Haiphong Harbor. I am certain that most Americans fully support these attacks on military targets which make clear our purpose to friend and foe alike. They do so confident that it is the shortest road to peace and will contribute greatly in terms of saving the lives of our men in uniform.

Mr. President, I ask unanimous consent to have printed in the RECORD editorials which appeared in the Washington Star on June 29, and in the Washington Post on June 30.

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

[From the Evening Star, June 29, 1966]

HITTING WHERE IT HURTS

The bombing raids on fuel storage areas near Haiphong and Hanoi presumably mean that President Johnson, after much hesitation, has decided to strike at targets that are truly vital to the enemy's war of aggression against South Viet Nam. This decision, in our opinion, is both right and necessary.

Carrier-based planes struck at storage dumps two miles from the center of the port city of Haiphong. These tanks hold about 40 percent of North Viet Nam's fuel supply—oil that is vital not only to the trucks which haul supplies into South Viet Nam but also to the operation of the North Vietnamese industrial plant. The second strike was made by Air Force planes against fuel dumps three miles from the center of Hanoi. Both attacks were described as "highly successful," and smoke was sighted 35,000 feet above the Hanoi target. United States sources say no planes were lost, although Hanoi claims that seven were downed. The returning pilots said anti-aircraft fire at Hanoi was heavy, but relatively light at Haiphong.

The decision to go after the storage dumps reportedly was made at a Security Council meeting last week. When word of the decision was "leaked," it first appeared that the President had changed his mind and that the attacks might not be made. One asserted reason was that the premature disclosure had upset elaborate plans for an after-the-event explanation of the considerations which went into the making of the decision.

It does not seem to us, however, that the President owes an explanation to anyone. The fuel dumps are military, not civilian targets. That they would be attacked was indicated 10 days ago when Mr. Johnson said the United States "would continue to raise the cost of aggression at its source." This source certainly includes military objectives in the Hanoi-Haiphong area.

Now that this first blow has been struck, similar raids can be expected in the future. Hopefully, they will persuade Hanoi that the time has come for an honorable peace settlement. If not, then the administration is left with no choice except to destroy the enemy's means of maintaining his aggression.

[From the Washington Post, June 30, 1966]

OIL TARGETS

The practical military arguments for bombing the oil storage facilities of North Vietnam are so compelling and persuasive that the delay in mounting this attack is more surprising than the event. The unwillingness of the Administration to act sooner can be explained only by its reluctance to bear the diplomatic risks. And this reluctance must have been overcome, finally, by the elaborate analysis of the probable civilian casualties which in turn led to the conclusion that these strikes would not alter basically the nature of the air war. All air attack involves jeopardy to civilians close to target areas, and the attack on communications no doubt has been quite as destructive of civilian life as the oil storage attacks.

It is perfectly obvious, from the figures used by Secretary of Defense Robert McNamara, that the effort to interdict the movement of troops and supplies by air attack has not stopped infiltration from the North. And it is clear that despite a heavy assault on such communications, the North Vietnamese have been able to mount an increasing assault.

It is the lesson of World War II all over again. The British analysis entitled *The Strategic Air Offensive Against Germany* had to say of the offensive against German communications: "The impression still remains that the immense power of the strategic forces was not used in the attacks on communications in such a manner as to produce the most rapid end to the resistance of the enemy."

The same report said that the attacks on oil depots, on the contrary, had "important results on the last German efforts of resistance." Elsewhere the experts of the British survey concluded that "the attack on oil made a large contribution to the Allied victory." In estimating the strategic air effort as a whole, the British postwar survey concluded that "none of the other means of pressure could have been applied with such success if the attack on oil had not taken place."

Hopes for the success of this attack in a different environment must not be exaggerated. The attack on Germany included assaults on oil production facilities as well as storage. In this case, the production facilities lie outside the target country. In addition, the North Vietnamese have no great mechanized forces to be immobilized by a lack of petrol as the German force of 1500 tanks in Upper Silesia was immobilized, and in the way other German units were deprived of the power of tactical maneuver. Still, although air attack may be less effective than it was in Europe, there is no doubt that the air arm now has struck at the best enemy target at hand.

It is important that the United States forces maintain a clear distinction between the best target for air operations and the worst one. The worst one is clearly civilian populations. It is the worst target not only because military results are not achieved, but, in addition, because the World War II evidence indicates that the effects of area bombing of civilians, far from weakening the will to resist, may strengthen it. And if this was true in Germany, of a sophisticated urban population, it is even more likely to be true of the population of North Vietnam. The loss of the comforts and conveniences of urban society would have even less effect in such a country.

There is not much doubt that Americans will overwhelmingly support the attack upon targets of such obvious military eligibility as oil dumps; and there is not much doubt that opinion in the United States and elsewhere would overwhelmingly oppose deliberate assaults on population centers.

ORDER OF BUSINESS

Mr. RANDOLPH. Mr. President, I ask unanimous consent that at the conclusion of the regular 3-minute speeches in the morning hour, and any reports to be filed from committees on regular business of the Senate, I be permitted to address the Senate for 20 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

GRAND CANYON DAMS

Mr. CASE. Mr. President—

Leave it as it is. You cannot improve on it. The ages have been at work on it, and man can only mar it.

So spoke President Theodore Roosevelt on May 6, 1903, during a visit to the Grand Canyon of the Colorado. T.R.'s advice is as sound today as it was 63 years ago.

Yet at a time when the President is pressing a campaign to preserve natural beauty, Congress is being asked to approve a plan that would destroy a great part and radically change what remained of the Grand Canyon of the Colorado, a canyon which T.R. described as absolutely unparalleled throughout the rest of the world.

Under the pending proposal, the Colorado River would be dammed at points north—Marble Gorge—and possibly south—Bridge Canyon—of the Grand Canyon National Park and National Monument. The length of the Grand Canyon National Monument and 13 miles of the national park would be flooded behind Bridge Canyon dam. The Marble Gorge dam would create a lake 300 feet deep behind it and would inundate 50 miles of the upper Grand Canyon.

These dams would be constructed for the ultimate purpose of bringing water into arid central Arizona. The dams themselves will not produce a drop of

water for that region, or for any other region. Rather, electricity to be generated by the impounded water will be sold at a profit to help pay for diverting water from somewhere else into the Phoenix-Tucson area. In other words, the dams are a financing gimmick aptly described by the Bureau of Reclamation as "cash registers."

To provide this financing device, the Grand Canyon would be sacrificed. For myself—and I believe most Americans feel the same way—I would rather pay the additional taxes that would be required to fund the water diversion project than to sell what I regard as the birthright of our people for a mess of pottage. Moreover, there is already serious doubt that the project will be as profitable financially as its proponents claim. If that should turn out to be the case, we will end up paying for much of it anyway through subsidies to make up the loss.

Despite what many believe, the damage caused by the dams would not be localized. This is because the 280-mile-long canyon is a physical entity, the creation of a free-flowing river. With the installation of two dams, or even one, this natural process would be seriously impaired, perhaps even halted. As some conservationists have put it, a living laboratory of stream erosion would be turned into a static museum piece.

There are many strong reasons for opposing the shackling of the Colorado with additional dams. Foremost among these, of course, is the irreparable damage to a national treasure.

Experts in conservation point out that the dams would actually waste water through evaporation and seepage in a water-short region, that technological advances in power generation may offer, in a few years, cheaper power than the dams would ever produce, and that permission to invade one national park undoubtedly would be used as a precedent for invading others.

Over and beyond all the technological, economic, and legal reasons for opposing the dams is the unassailable fact that a unique wonder of nature would be destroyed for all time.

Has not the time come to distinguish between an exploitable natural resource and a resource immune from exploitation? The Grand Canyon should—it must—fall into the latter category. For unless we can make the canyon forever inviolable, how can we hope to protect any of our parks, beaches, wildlife refuges, and the like?

The natural beauty of our land, in fact our whole environment, is an irreplaceable asset. If we want to preserve it, we must bend ourselves to the task, mindful of the disciplines that may be required.

Congress, of course, has recognized that water supply and distribution is a national, not merely a local or State problem. Just this year the Senate passed a bill creating a National Water Commission which would make a 5-year study of the Nation's water problems.

But we can meet this problem, as we can meet all of our problems, without despoiling our other natural resources. In the case of the Grand Canyon of the Colorado, Theodore Roosevelt told the Nation how to treat this natural phenomenon and Congress should follow his advice:

"What you can do is to keep it for your children, your children's children, and for all who come after you, as one of the great sights which every American if he can travel at all should see. We have gotten past the stage, my fellow citizens, when we are to be pardoned if we treat any part of our country as something to be skinned for two or three years for the use of the present generation, whether it is the forest, the water, the scenery. Whatever it is, handle it so that your children's children will get the benefit of it."

And I repeat T.R.'s words:

Leave it as it is. You cannot improve on it. The ages have been at work on it, and man can only mar it."

OUR PRESIDENT'S DECISION

Mr. YOUNG of Ohio. Mr. President, it is evident that our President has yielded to many of the militarists and our generals who seem to regard their mission as waging all-out war instead of directing their energies toward maintaining the peace of the world. It is evident he yielded to the continuing demands of members of the Joint Chiefs of Staff. No doubt the decision of our Commander in Chief to bomb areas in the suburbs of Hanoi, the densely populated capital of North Vietnam, and the oil depots, docks, and port installations in and around Haiphong, the chief port of North Vietnam, has made the Gen. Curtis LeMays and our Chiefs of Staff very happy.

Personally I had hoped against hope that our President would direct another bombing pause of North Vietnam for a period of 15 days and in that interim would have made every effort seeking the cooperation of U Thant, U.N. Secretary General, and Prime Minister Wilson of the United Kingdom to make a final further attempt to bring about an armistice and cease-fire in Vietnam at a conference to which delegates representing the Hanoi and Saigon governments were invited to participate and, in addition, delegates representing the National Liberation Front, or Vietcong.

The President instead has chosen the course to fight the war to military victory. He has made the ultimate decision. Where it will ultimately lead no man knows. Prime Minister Wilson of Great Britain, our greatest ally, has definitely and publicly disassociated himself and his nation from us. We have lost this ally. France and Great Britain are, therefore, both now alined against us and our policies in escalating and expanding our offensive in North Vietnam. Apparently no nations in Asia are now sympathetic toward our belligerency except Australia, New Zealand, and South Korea.

For the first time in modern history we are fighting a war practically alone, abandoned by our allies and friends and in a faraway Asiatic country, Vietnam, which is of no strategic or economic importance to the defense of the United States; never has been and never will be.

"ON GOING IT ALONE"—PARTIAL TEXT OF REMARKS OF SENATOR KUCHEL AT FRESNO STATE COLLEGE COMMENCEMENT

Mr. KUCHEL. Mr. President, on June 8, 1966, I was honored to be invited to speak at the commencement exercises of Fresno State College, Fresno, Calif. I ask unanimous consent that the partial text of my remarks on that occasion be placed in the RECORD at this point.

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

ON GOING IT ALONE

(Partial text of remarks by U.S. Senator THOMAS H. KUCHEL at commencement ceremonies of Fresno State College, June 8, 1966)

It is with a real sense of honor that I participate in these commencement ceremonies at Fresno State College, founded well over a half-century ago by the people and the government of our state, respected for its successful pursuit of educational excellence, its doors open to students of every race or color, who desire to come here to study and to learn. No place on earth is more richly endowed by nature than the vast valley of the San Joaquin. And of all the progress that man, and our free society, have achieved in this area, none offers greater assurances for the future than the annual product of Fresno State College.

I congratulate those who today receive degrees, who thus successfully close one stimulating chapter in their life and who are about to enter the next. Our state and nation look forward to having you participate, in one fashion or another, in all the vast panorama of public problems which continue to perplex and plague all of us.

King Solomon said "knowledge is a wonderful thing; therefore get knowledge: but with all thy getting, get understanding."

Most of all we need to understand our fellow man. You are not alone on this campus. You will not be alone in life. The Scriptures say "It is not a good thing that the man should be alone." Our own life pattern is vastly affected by what others do, whether they live around the corner or halfway around the world. And, as this is true of the family, the campus or the community, it is also true of nations. And for a long time, our own beloved country followed an official philosophy of going it alone—or anyway of trying to.

The American Revolution was a successful protest against denial of liberty. Our American heroes of that day decided we would brook no interference from anybody in living by ourselves. Our colonies determined that they were going to set their own course, and that what happened across the Atlantic would be irrelevant to our own life and to our own future. General Washington's stern counsel admonished us to avoid entangling alliances. Our few early foreign agreements dealt only with international boundaries, commerce and trade. They were hardly a violation of our first President's rule. By geography, we were effectively insulated from life on other continents. God had given us the great dividing oceans. The problems of Europe and Asia, and beyond, were, we had concluded, of no concern to us. This western hemisphere, indeed, only a part of it, was all we cared for.

Over the generations, our wealth and strength were growing. We were becoming a power in the world whether we liked it

or not. In the early part of this century the United States became the world's largest producer and consumer of steel, coal, petroleum, and a large array of the other industrial items by which man reckoned power in those days. The United States led the way in new forms of transportation and communication which were bringing men closer together. The First world war hastened us towards change.

The United States was regarded by the rest of the world as a hopeful element in world affairs. We were idealistic. We hoped to outlaw war. In the 1920's, after the first world war, we signed solemn treaties to scuttle portions of our naval fleet, and, let the record be clear, we carried out the provisions, while other treaty signatories broke their word.

In our young national adulthood, we were like Gilbert and Sullivan's king "who wished all men were as rich as he, and he was as rich as rich could be."

In the modern world wealth had come to mean power; and power meant responsibility. I suppose that it has always been so.

The vast destruction wrought by the Second World War made it plain that the world, as we knew it, could not endure if free peoples continued to try to go it alone. It was made plain, too, that the mantle of world leadership for freedom had fallen upon the United States. In 1946 Winston Churchill told the people of America they had reached ". . . the highest point of majesty and power ever attained since the fall of the Roman Empire. This imposes a duty on the American people which cannot be rejected. With all great opportunities comes responsibility."

So began the struggle to bind up Europe's wounds, to restore her economic well being, to rekindle her self-respect and to encourage faith in freedom. We strove to help restore a system of free western nations enriched by the free exchange of views among men. And at almost every step of the way, sometimes openly, sometimes covertly, our erstwhile ally, the Soviet Union, sought to impede the reconstruction.

Here began a challenge to the rebuilding of Western Europe, of preserving Western culture and of creating stable self-governments of free peoples. That challenge has become the major political fact of the Twentieth Century. It has since spread from Europe to almost every corner of the globe. It has been the pre-occupation of the United States almost as long as any of us can remember.

Western Europe was deeply troubled in the 1940s. The ravages of the war still remained. The smaller states were afraid they might be pulled into a Red vortex, for that is what they saw happen to their eastern neighbors. They began to talk of sharing risks, of confronting danger together. Out of that challenge there came the greatest example of collective security our world has ever known. The North Atlantic Treaty Organization—NATO—came into being as a military defensive system against potential Soviet aggression. It was designed to do other things. It sought to assist in the quest for dependable disarmament and arms control agreements. It sought to advance the cause of peace in Europe and the Atlantic. It sought to find peaceful means to settling international disputes. The role of the United States, in the creation of NATO, was a major one, for it would not have come into existence without our wholehearted participation including our giant arsenal and our own men. I recall, with great pride, the name of one of my illustrious predecessors, Vandenberg of Michigan, who spoke out in the Senate, almost two decades ago, to unite our country in the realization that there must be an interdependence among the free, and that going it alone is not only perilous for us, but impossible for almost every nation on earth. It was Vandenberg who pointed the way for our country to abandon going alone as foreign policy.

As an American, I believe in the old American adage "in union there is strength." As a member of the human race, jealous of his own freedom and of yours, I believe that like-minded nations should stand together to promote both peace and freedom and to deter aggression and war. Thus, I want the Atlantic Alliance to continue. Meanwhile, I want our country to maintain its role of leadership and to continue its unrelenting quest for proper control of the instruments of war, and dependable disarmament agreements among nations. We have taken a few steps forward, of which the Nuclear Test Ban Treaty is the most imposing. With American leadership, more could come about.

I regret that our longtime friend, France, did not join us in the Nuclear Treaty. I regret also that France now, under her present leadership, desires to cancel many of the important military arrangements which have been made under the North Atlantic Treaty agreement. These are distressing signs that France may desire to go it alone and to abandon many of those close ties which have so long linked us together. Just a few days ago a spokesman for the Government of France said:

"International crises no longer center in Europe, but in Asia, and the majority of NATO countries is not involved in Asia."

Graduating students, in this nuclear age, in this era of outer space, in this time of unimagined speed in travel and transportation and communication, what takes place anywhere on this earth must be of concern to people everywhere.

Surely, the detonation by Communist China of a third nuclear explosion shears away any false hope for isolation from Asia, of any European country, France included, or if any other part of this planet.

I have never forgotten the words of General MacArthur to the American Congress a decade and a half ago when he said:

"While Asia is commonly referred to as the gateway to Europe, it is no less true that Europe is the gateway to Asia, and the broad influence of the one cannot fail to have its impact upon the other."

What happens in Asia vitally concerns all of Asia, vitally concerns the Soviet Union, all of Europe, and all of the world, including the United States.

It is true that a war is raging today in Southeast Asia, and not in Europe, that the United States is involved, and that the oppressed land of South Viet Nam represents the most tragic, cruel crisis in today's world.

Our country is not alone. We receive tangible military support from South Korea, Australia, New Zealand and Thailand. The Republic of the Philippines is providing token support, with some other countries, and has under consideration more widespread assistance. Last year, the Prime Minister of Australia said: "American intervention in Viet Nam was the greatest act of moral courage since Britain stood alone in the last World War."

They sympathies of many Asian lands are with us. The Japanese Cabinet endorses United States-Vietnamese policy as it is now expressed and carried out, and Taiwan certainly does. Malaysia approves. Singapore understands. And Indonesia, having abruptly severed the tentacles of Red China, as they reached out to engulf her, is not about to encourage Red Chinese hegemony elsewhere. One Indonesian citizen recently told an American, "Please, don't tell us how to fight Communists."

We ardently pray that the crisis may be brought, before long, to a peaceful conclusion. It is to the credit of the American Government, I think, that it has repeatedly said it will go to the conference table at any time.

We may even now be witness to the birth of a new spirit of interdependence in Asia. Within this past year, one billion dollars has been subscribed for the creation of the Asian Development Bank. The majority of this sum came from Asian sources. By Act of Congress, the United States joined, as a minority stockholder, in this venture to help provide a source of repayable loans for development projects. The response to this idea, and the speed with which the Bank was organized, are unprecedented in the history of the international capital market.

In Bangkok, early this month, the leaders of Malaysia and Indonesia agreed to end their quarrels and, together with their colleagues from Thailand and the Philippines agreed to form a new union of their peoples emphasizing their common interests, and recognizing their interdependence.

The nations of Asia see that they need each other. They are learning that in possession of growing unity, and with the help of other free nations in the world, they need not succumb to the Red Chinese bully and its misnamed "Wars of National Liberation."

The point I wish to make is that the world is shrunken now to the point where armed conflict, however localized, and in whatever continent, is fully capable of quickly spreading to engulf all the globe. It is false and illusory to talk of Asia as not concerning Europe or vice-versa, in what remains of this Twentieth Century and beyond.

In your life span, graduating students, as before, the debate on going it alone will continue. Some will want to return to an isolation which really can never be. The rest of us must determine how much of the responsibility of leadership for freedom we want our America to accept. Some day, hopefully with your assistance, what Thomas Jefferson called "the disease of liberty" will inoculate all men.

"WHOSE GOD IS DEAD?"—REMARKS OF SENATOR KUCHEL AT SAN JOSE STATE COLLEGE COMMENCEMENT

Mr. KUCHEL. Mr. President, on June 10, 1966, I was honored to be invited to speak at the commencement ceremonies of San Jose State College, San Jose, Calif. I ask unanimous consent that the partial text of my remarks on that occasion be inserted in the RECORD at this point.

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

WHOSE GOD IS DEAD?

(Partial text of remarks by U.S. Senator THOMAS H. KUCHEL, at commencement ceremonies of San Jose State College, June 10, 1966)

I am highly honored to speak at the commencement ceremonies of San Jose State College, oldest institution of higher learning in our state. You who attend this great school, as students or faculty, directly benefit from a long and active interest in, and a keen appreciation of, education by the people of California, something they have pretty consistently demonstrated over the last century. Yours is a history of excellence in scholarship, in an ever-widening gamut of studies, at a time of unbelievable growth, for our state and for your school.

California has been a progressive state. That is its tradition. Its people have always sought to go forward. They have had

the urge of accomplishment. They believed, and they still believe, in the irreplaceable importance of education, and of higher education, as the solid base on which to build and to keep a free society.

I have forgotten who it was who long ago said "God takes care of little children, drunks, and the people of the United States." I think there may be a good deal of merit in that observation. But I also think that the future of this free nation is going to require an active interest in our society by those citizens who have had the benefit of a college education, such as you who mark your progress by degrees today. There is a far greater purpose in attending college than in simply acquiring opportunities for a greater economic advantage. There is far more to life than a dollar. In a very real sense educated Americans bear a special burden of preserving this free society, and of defending and advancing the cause of human liberty.

The things which we hold dear in America, the dignity of the individual, human freedom itself, are not for Americans alone, but for the whole human race. That was what the signers of the Declaration of Independence had in mind. And that, I believe, is what this country stands for today.

America has made unbelievable progress from the beginning. We have taken long strides towards making "equal justice under law" a reality rather than a sham. While there is much remaining to be done, much has been accomplished. Tens of thousands of disenfranchised Americans are, at long last, voting. We seek to eliminate the causes of poverty and racial unrest. A majority of Americans have been able to find time for a little more than just the pursuit of the necessities of life.

It is true that the American continent was richly endowed by our Creator. It is true that over the years we have come to recognize the value of conserving the resources of nature, of utilizing them in a manner that would permit their use in future generations as well as our own. Our almost 200 million people have created an enormous material wealth. With six per cent of the world's people, we consume annually one-sixth of its cement, one-third of its electric power, a fifth of its coal, and a quarter of its steel. We produce one-half of its passenger cars and possess and use half of its telephones. Our national product is one-third of the total of the world, and per capita income is 7.7 times that of the average of all other nations.

We in California know some of the problems that come with a supercharged production. If the fragrance of our spring wildflowers has given way to smog, if the clear lakes of the Sierras are endangered by pollution, if the groves of God-given redwoods face extinction by the saw and the ax; it is no less the consequence of our material advance than of our negligence or selfish appetites. There was a time in this vast State of California when man could at once be alone with nature and with the works of his Creator. We now know that he may enjoy such felicity only at the sufferance of his neighbor, and, even then, as a kind of rarity.

Peace and freedom walk together. Change is the law of the universe. Each generation faces new problems. In this last third of the Twentieth Centry unbelievable changes have been taking place. This is the age of nuclear power and the exploration of outer space. This is the era of instant communication and of almost instant travel. In your lifetime, this enormous scientific evolution will continue to unfold. Many of the secrets heretofore denied to our race will be unlocked in your time. But the struggle for peace and freedom will continue. Goethe said "he only earns his freedom and existence who daily conquers them anew."

We have abundance in material things, but, most important, we have aboundance in freedom. This is no accident. The free flight of man's imagination is the first requisite of creativity. Free discussion of ideas is the essence of a productive organization of society. Faith in the brotherhood of man marks the high road by which our civilization may remain, and may remain free.

In most of our national life, we were concerned almost exclusively with our own development. America did not play a prominent role in world affairs until called upon by continuing crises which had inflamed the Old World, and which had begun to sear the New. In the aftermath of the First World War, our people were in an almost continuous ferment as to what our country's role in the world should be. Fear and a kind of idealism were competing with one another. President Wilson went to Europe in 1919 speaking of "open covenants openly arrived at" and urging a League of Nations to settle disputes without war. Motivated by a desire for continued isolation, the United States Senate violently disagreed. Later, the United States led the way in world disarmament. In 1928, by the Kellogg-Briand peace pact with France, the United States agreed to outlaw war as an instrument of national policy. We were searching for a better world, and we were beginning to show an interest in our planet. But it took a second bloody global conflict to demonstrate that the world was not going to stop turning, and that we could not get off.

In 1948, another milestone was reached in the development of our role in the world when the late Arthur Vandenberg, speaking in the United States Senate, slammed the door on American isolationism, renouncing the idea that we could live alone in good conscience or, indeed, in self-preservation. His resolution, approved in the Senate, affirmed that United States would seek "international peace and security through the United Nations." It paved the way towards our participation in the Atlantic Alliance, together with Canada and our free friends in Europe. It courageously placed our country on record for providing the United Nations with armed strength and for the regulation and reduction of armament.

Looking back, some may think our idealism has been a trifle naive. Since the close of the Second World War, we have experienced countless international crises and have spent seemingly endless sums for foreign aid. We have learned the Arab proverb that it is not easy to give things away. Many Americans have traveled abroad as tourists only to find that "rich Americans" are fair game for high prices. We might well have become cynical. But I think we cherish our idealism still.

There are many achievements exemplifying the good will of the United States of America. Foremost among these was our help in restoring a destitute continent of Europe at the end of the Second World War. We bound up the wounds of those we fought with and those we fought against.

Following our acceptance of this task we became embroiled in the struggle of the age. America faced a monolithic adversary convinced that its own contrived doctrines were far more potent than our own beliefs in the dignity of the individual and the freedom of man. Soviet Communist leadership had long since adopted the view of all totalitarian regimes that the ends they seek justify the means they use.

For the past two decades the adversaries have been deeply engaged in this struggle. They have watched each other carefully, analyzing every move of the opponent. The Communists cried "Death to the Capitalist Imperialists," and the Free World said "Destroy Communism." If we were able to produce a nuclear bomb, Russia would make arrangements to steal the process from us. If we sought to inculcate democracy in the new states by a foreign aid program, Russia, and, subsequently, Red China, must embark on their kind of aid program, Communist style. If the Russians put a satellite in space, we did too.

You all have seen or read that great story "The Spy Who Came in from the Cold." You will remember the anonymous leader known as "Control" who tells the hero, home from a tour of duty in Berlin, what the Cold War is all about:

". . . you've got to compare method with method, and ideal with ideal. I would say that since the War, our methods—ours and those of the opposition—have become much the same. I mean you can't be less ruthless than the opposition simply because your government's *policy* is benevolent."

And that, my friends, is the utter end of idealism.

We have paid dearly for this struggle. It brought us out into the world, only to limit our horizon. The defense of our own freedom has spread thin the wealth that we might have put into education of our children and renovation of our cities.

Let none mistake. We shall, however long, continue to maintain a pre-eminent defense, designed to deter any aggression or, if necessary, to combat and to defeat it. But it is a sad thing that among some of our people, the struggle against Communism has encouraged them almost to abandon all humanitarian ideals. Fear of the Communist demon has led some to urge that we stifle our own freedoms in order somehow, to protect them. That is not good logic. The strength of America, rests in more than guns. From our system which guarantees each of you your individual freedom, comes much of the strength of our country. Americans intend to keep their freedom whatever the cost. A desire for absolute victory in the struggle has brought others to demand illogical military actions which could catapult the world into a global war. In our Federal Government, there have been regrettable instances of public servants concealing information which did not affect national security, under a policy which can truthfully be called "managed news" and of deciding what the American people ought to know. Prevailing over Communism does not require this totalitarian approach. We shall remain strong, firm, and rational.

Meanwhile, look at what is happening in the Soviet World. Observe the changes that are occurring with the passage of time. The vaunted economic system controlled by the dictatorship of the proletariat has given way to all kinds of capitalistic heresies: the interest rate, the profit motive, incentive rewards, and even some consumer sovereignty. The Kremlin has found that man does not live by doctrine alone, that he will work a little harder so he can enjoy the fruits of his labor, if he can relax at the end of the workday with some of the comforts of modern life, free from police-state fear.

I would agree with Henry J. Taylor that keeping up with the Russians is really "advancing backward." Among the things we would have to do to catch up are ". . . to destroy about two-thirds of our railway mileage, 90 percent of our airlines, 60 percent of our houses, 90 percent of our paved highways, 19 out of 20 of our trucks and cars, 40 million television sets, 9 out of every 10 telephones."

The captive peoples of Eastern Europe have become hostile to Soviet overlordship, and they have forced concessions of every kind, proving that Marxism's all-or-nothing push for domination must be tempered, or altered, to say the very least. And throughout Central Europe, the Church continues to stand

like a rock unmoved by the tidal wave of Communistm which sought unsuccessfully to engulf it.

In large areas of the world, Soviet and Chinese Communism have miserably failed. Their inflexible formulas of conquest, through infiltration and subversion, have been rejected by the peoples in Ghana, in the Sudan, in Malaysia, and in the Philippines, and in Indonesia. Without regard to cost or peril to themselves, they drove Communism from their lands. Developing countries will not accept foreign dogma in place of their own traditions. To them the conflict between Communism and the Free World is often irrelevant. They are not interested in the triumph of doctrine, but in the dynamics of their own growth.

One has only to read Yvtushenko's *Bab i Yar* to sense the yearning of the great Russian soul, once the inspiration of Tolstoi and Dostoyevski. Today it is shackled to a dogma whose falsity becomes clearer as time goes by.

The doctrines of Communism have failed; they have failed to satisfy. Its moribund spirit does not, cannot, minister to the spiritual needs of modern man.

Our own faith is not in dated slogans but in the working principles of our society, which let us adapt to changing circumstances to create new institutions, to make full use of all our resources, and to steer our course towards our goals of peace and justice for all peoples.

The Cold War has encouraged some men to be craven and cynical. But the inevitable triumph of freedom may even now be approaching. This is no time to allow a counsel of despair to prevail.

Our faith in our way of life remains our greatest strength in seeking to preserve the temple. I quote the Psalms: "except the Lord keep the city, the watchman waketh but in vain."

GODSPEED TO THE "RAY"—LAUNCHING OF NUCLEAR SUBMARINE

Mr. KUCHEL. Mr. President, my family had a unique and memorable experience on June 21, 1966. On that day, my dear wife christened the new nuclear attack submarine, the *Ray*, which is destined to add enormous strength to the cause of freedom and to the defensive might of the United States.

I was very glad to be asked to speak on the occasion of the launching. I ask unanimous consent that a partial text of my remarks on that occasion be printed in the RECORD at this point.

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

GODSPEED TO THE "RAY"—LAUNCHING OF NUCLEAR SUBMARINE

(Partial text of remarks by U.S. Senator THOMAS H. KUCHEL at the launching of the *Ray* (SS(N) 653) at Newport News, Va., June 21, 1966)

Today's ceremonies witness the launching of a new American undersea craft, dedicated to the defense of our freedom, and christened with an historic and gallant name. I am honored at the request of the Secretary of the Navy to speak on this occasion. From the Valhalla of our naval heroes and of our heroic naval ships, the spirit of the U.S.S. *Ray* (SS-271) of the Second World War, and of the Atlantic Alliance which followed, sends her Godspeed to the *Ray* (SS(N) 653) and to our fellow citizens who, as members of our unconquerable United States Navy, will have the duty and the honor to man her.

The earlier *Ray* commenced compiling her intrepid record in late 1943, and in the ensuing months of the War, in a fascinating story of successful engagements with the enemy, of sustaining injuries and of overcoming them, of facing dangers and repelling them, always to return to patrol again and again, of sinking Japanese ships, she earned seven battle stars, the Navy Unit Commendation, the Philippine Republic Presidential Unit Citation Badge, and other awards, from New Guinea to Leyte to Okinawa. She was converted in 1950 to a radar picket submarine, was cut in two and lengthened by 30 feet, and then went on to continue her remarkable career, joining in North Atlantic Treaty Organization exercises both in the Mediterranean and in Northern European waters, and finally retiring with honor in 1960. She was, in her life, invincible and indestructible, and she bequeaths to this nuclear giant an emblazoned name and a history of success, good fortune, and "well done."

Just a handful of years ago, American men of science found the key to unlock the secrets of the atom, and the world would never again be the same. All the dimensions by which power and energy had been gauged and measured suddenly had to be discarded. Nuclear, and subsequently thermonuclear might, catapulted the human race into a new chapter in its journey, and a new time on earth. Vast new potentials for good or for evil had opened up. Life could be made far better, or life could be summarily sheared away from this planet. Here was new and incredible power which could be used for life or death or for peace or for war.

This submarine launched today will be, as I say, a defender of freedom. Nuclear energy will turn her powerful engines for long, long periods of time, and the old restrictions of duty based on fuel reserve are forever gone. The *Ray* is as modern as tomorrow. Her propellant represents the magic of the world in which we live. To borrow the phrase of a newspaperman, she will "move with the speed of a shark, hover like a jellyfish, and dive or surface like a dolphin." Like the fish for which she is named, she will be big, powerful and maneuverable. She should be able to win all the deadly contests of hide and seek. She will be fully qualified against all enemy undersea boats. To operate this nuclear marvel will be men, officers and enlisted, all superbly skilled in nuclear science, electronics, weaponry of all kinds, transistors, radar, sonar, hydraulics and digital computers.

This submarine, and the United States Navy submarine fleet which she will join, all stand for peace. She demonstrates to any potential enemy the complete futility of aggression. There can be no question but that our pre-eminent defensive might in all the elements, land and sea and air, deterred the Soviet from successful nuclear blackmail in Cuba, and, indeed, deterred them from aggressive adventures against the West during all of the Cold War. For the Soviet Union respects power, and the Ray represents precisely that.

In the seemingly never-ending struggle for freedom, the people of our beloved country have a responsibility of leadership which they cannot and must not shirk. After the War, Winston Churchill told our country, in 1946, that we had reached "the highest point of majesty and power ever attained since the fall of the Roman Empire. This imposes a duty on the American people which cannot be rejected. With all great opportunities comes responsibility." I believe the opportunities continue in 1966, and surely our responsibility does.

The struggle for freedom is global. In this shrunken planet, we live in a kind of congested world neighborhood. Fire or conflict erupting in any continent directly affects all the rest of us.

Today a war is raging in Southeast Asia, and the United States is participating in it. I believe I speak for the great majority of our fellow citizens when I say that we shall not repudiate our cherished goals nor abandon the responsibility we have assumed. We seek peace, we pray for peace. We want all the members of the family of nations to be free from attack or subversion by their neighbors, and, surely the security of our own beloved Nation is directly connected to world stability and to the cause of a just peace. Can you not take great inward comfort and pride from our assistance to the weak and the stricken? Last year, the Prime Minister of Australia said: "American intervention in Vietnam was the greatest act of moral courage since Britain stood alone in the last World War."

The *Ray*, in her service, will help us to maintain a vigilance for American freedom, and for the liberty and self-respect of man. The *Ray*, in her lifetime, will be a part of a vast American defense establishment designed to deter the use of force by the enemies of freedom, or, if unhappily necessary, to defeat those enemies and to destroy their force. Meanwhile, we must try, through amity, and good will, and diplomacy, to find peaceful means to settle international disputes. We need constantly to appeal to reason.

On the deck of the *Missouri*, after the surrender of Japan, General MacArthur said:

"The problem basically is theological and involves a spiritual recrudescence and improvement of human character that will synchronize with out almost matchless advance in science, art, literature, and all material and cultural developments of the past two thousand years. It must be of the spirit if we are to save the flesh."

Let the invincibility of the American spirit ever ride with this guardian of our freedom. Godspeed to the *Ray*.

THE SITUATION IN VIETNAM

Mr. RUSSELL of Georgia. Mr. President, every person in this country, and I hope in every area of the world, must be familiar with the extraordinary and relentless efforts this country has made to stop the fighting in Asia at the conference table rather than on the battlefield. As a matter of fact, we have carried our efforts for a negotiation conference to the point of humiliation. We did it almost to the point of having our men get on their hands, and knees and crawl to North Vietnam to get them to agree to some conference to end the war.

Having had no alternative, and having had every effort to settle the confict rejected—indeed, the efforts were not only rejected; they were scorned—on yesterday American war planes bombed military targets in North Vietnam.

For my part, I do not see any alternative that was available to this country in the interest of preserving the lives of the 400,000 men we have in Vietnam. I have been waiting to hear the presentation of some alternatives by those who are critical of what has transpired in Vietnam. I shall continue to await them with interest.

This country has a tremendous responsibility to the boys over there and to their

families who remain in this country. I am so convinced of the responsibility, that I not only approve of what took place yesterday, but I think we waited too long to take the action. I would be in favor of knocking out each and every target and every facility that can contribute in any way to reducing the casualty lists of American men and women who are in Vietnam.

I did not favor our involvement in Vietnam, but I do not propose to discuss a moot question of that kind today. We are there. As far as I am concerned, I do not propose to leave the 400,000 Americans who are there to their resources, which are limited—most of them are limited to rifles or machineguns—but I shall undertake to support them in every possible way, even if it results in what some people call escalation of the war in Vietnam.

On yesterday the Secretary of Defense held a press conference to announce the bombing. I did not see it or hear it on radio or television, but I did read it this morning. I thought he presented a clear picture of what transpired yesterday as far as the facts are available. It is also a lucid statement of our objectives and purposes in this war.

It is a very limited objective that we seek in Vietnam. I recommend this statement for the reading of those who talk about trying to encourage an all-out war. Our objectives in this war, as I say, are very limited; and we have been in some respects very dilatory in pushing to achieve those objectives.

Mr. President, I ask unanimous consent that the statement of Secretary McNamara at his press conference on yesterday be printed in the RECORD at this point.

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

PRESS CONFERENCE: HON. ROBERT S. MCNAMARA, SECRETARY OF DEFENSE, JUNE 29, 1966

Secretary MCNAMARA. Good morning, Ladies and Gentlemen.

I should like to report to you upon the air attacks on the petroleum facilities in North Viet Nam. These were carried out this morning by 46 Navy and Air Force strike aircraft. They inflicted heavy damage on three of North Viet Nam's petroleum facilities. These were facilities located at Haiphong, Hanoi, and Dosan. Together they represented over sixty percent of North Viet Nam's remaining storage capacity.

The Navy aircraft participating in the strike operated from the Carriers Ranger and Constellation.

The attacks on the three targets were achieved with the loss of one aircraft—an F-105. Pilots report that while attacking a surface to air missile site in the vicinity of Hanoi, MIG aircraft were encountered. One MIG 17 was probably destroyed as the result of this encounter.

No U.S. aircraft were lost in the air engagement. At Haiphong after the attack heavy smoke rose to an altitude of more than five miles and preliminary pilot reports indicate an estimated eighty percent destruction of the target area.

At Hanoi, pilots report heavy damage to the target. Fires were observed in all four sectors of the petroleum storage area.

At Dosan, heavy damage was also reported by the pilots. Both the Navy and the Air Force pilots said that anti-aircraft fire ranged from light to heavy. It was heaviest in the vicinity of Hanoi.

The strikes against these petroleum facilities were intiated to counter a mounting reliance by North Viet Nam on the use of trucks and powered junks to facilitate the infiltration of men and equipment from North Viet Nam to South Viet Nam. As a matter of fact enemy truck movement to South Viet Nam has doubled during the first five months of 1966 compared to the first five months of 1965.

In addition, the inventory of trucks in North Viet Nam has grown very rapidly and by the end of 1966 it is expected to be about double that of the end of 1965.

Furthermore, the daily tonnage of supplies moved overland from North Viet Nam into South Viet Nam has increased about 150 percent in the past year and the infiltration has increased about 120 percent during the same period. Both of these changes have led to greater reliance on the use of petroleum and petroleum products.

A measure of the intent and, I believe, then of the political decisions of the leaders of North Viet Nam is indicated by the fact that the North Vietnamese military units in South Viet Nam have almost doubled in the first five months of this year.

Today, there are approximately twice as many of those units as there were at the beginning of the year.

This increase was accomplished despite very heavy losses inflicted upon those units in combat in South Viet Nam and despite the failure of North Viet Nam to meet their infiltration objectives.

The infiltration increases in both men and equipment has required a very sharp increase in petroleum imports. Since the first of this year the average monthly imports of petroleum into North Viet Nam have increased 50 to 70 percent above the comparable periods in 1965. Stocks on hand prior to the attack were estimated to represent about two to four months' supply.

The increased importance of petroleum to the enemy's military effort is further attested by his action to improve the routes of infiltration. Some of these routes are new, some have been widened, some have been upgraded for all weather use. Bypasses have been built and bamboo canopies or trellises have been built over the jungle roads in many places in order to inhibit observation of them from the air.

A result of greatly increased movement of men and supplies by truck and by motor powered junks has been a shift from a small arms guerrilla type operation against South Viet Nam to a quasi-conventional military operation which involves major supplies, major weapons and heavier equipment. These strikes were aimed at the heart of the petroleum system, the major storage facilities and the distribution apparatus.

Together, they are intended to achieve the following military objectives: First, to neutralize at Haiphong the only existing North Vietnamese shore facility for off loading petroleum directly from tankers.

This will force North Viet Nam to seek alternatives, less efficient off loading facilities, and this means slowing down their off loading process and probably substantially restricting it.

Haiphong through the facility attack this morning is estimated to have handled 95 percent of all imports of petroleum into North Viet Nam.

Secondly, we expect to have destroyed the contents of the major central storage facilities. Those facilities outside of Hanoi contained about 20 percent of the total storage capacity of the country, and those outside of Haiphong, over forty percent.

Together the three targets contained over sixty percent of the remaining storage capacity.

Thirdly, the strikes are expected to cripple the major trans-shipment facilities which were located in association with the petroleum storage dumps outside of Hanoi.

Fourthly, they will require North Viet Nam to devote men, material, time and effort to establish new storage and new distribution facilities.

Fifthly, they will force a high competition for the reduced petroleum supplies, and this will require more stringent rationing and will impose a lowering ceiling on the number of men that can be supported for aggression in South Viet Nam.

I want to emphasize that every effort was made to prevent harm to civilians and to avoid destruction of non-military facilities. This was possible because the two larger facilities, one located two miles from Haiphong and three miles from Hanoi were separated from built up areas.

The smaller target was located one-half mile from Dosan. At Hanoi the petroleum facilitites are separated from the city proper by the Red River.

All Navy and Air Force pilots participating in these strikes were especially briefed by their commanding officers on the importance of avoiding civilian and built up areas. They were thoroughly familiarized with the targets and with the surrounding terrain. The strikes were carried out in good visibility permitting clear visual identification of the targets and of the surrounding terrain.

In summary, then, the decision to strike these targets was made to restrict and to make more costly the enemy's infiltration efforts. We believe this essential to help safeguard the freedom of South Viet Nam and to save the lives of those South Vietnamese, Americans, Australians, New Zealanders and Koreans who are fighting to insure that freedom.

Now I would be very happy to take your questions.

Question. Mr. Secretary, was there any attempt to warn the civilian population in Hanoi and Haiphong?

Secretary MCNAMARA. There was no special effort to do so. This occurred in daylight. They had opportunity to be aware of it. There were no civilians, as I said, in the area of the targets.

Question. Were there Soviet ships in Haiphong at the time of the attack and were ships of any nationality unloading at the time?

Secretary MCNAMARA. There were no ships unloading at the Haiphong facility at the time of attack. On this graph we have shown the location of the petroleum storage facilities in the Haiphong area. As you can see they are separated from the built up areas of the city by two to three miles.

There is a pier extending into the river and from the end of the pier a floating pipeline that extends still further for the off loading of ships. There were no ships at the pier or the off loading facility at the time of the attack.

Question. Mr. Secretary, how much have you destroyed?

Secretary MCNAMARA. I can't answer the question. All we have as to destruction are the preliminary reports of the pilots and they don't disclose the status of the pier.

Question. Who is supplying the trucks so far as you know?

Secretary MCNAMARA. I can't answer the question. I think they quite clearly are coming from Bloc countries, Sino-Soviet Blocs.

Question. Sir, when was the decision made to carry out this bombing? Mr. Ball said on Sunday that there had been no change.

Secretary McNamara. We never discuss the time of decision for operational matters. The decision was based upon the recommendations of the commanders concerned—General Westmoreland, Admiral Sharp, the Joint Chief of Staff. It was supported by my recommendation and the recommendation of the Secretary of State and was made by the President.

Question. Mr. Secretary, there has been some fear expressed in news circles that the early releasing of information of the possibility of such a bombing run may have caused a concentration of missiles for protection around Haiphong and Hanoi. Do you have any intelligence reports from the pilots concerning their sightings?

Secretary McNamara. We had evidence available prior to the attack that there had been no increase in the defenses in recent days in the target areas. I think that preattack information is supported by the losses. We lost but one aircraft in the three attacks.

We did attack one surface to air missile site approximately twenty miles outside of Hanoi and I believe we inflicted heavy damage on that site.

Question. How many missiles were fired?

Secretary McNamara. I can't answer that question. The final briefings of the pilots have not yet been reported to us.

Question. Mr. Secretarry, could you tell us how many ships were actually in the harbor and what their registry was?

Secretary McNamara. No, I can't. All I can tell you is that there were none at the unloading facilities associated with the petroleum storage depot at Haiphong.

Question. Mr. Secretary, if this build up has occurred through the first five months of this year, why have you waited until now to make this recommendation?

Secretary McNamara. The question is why did we wait until now to make this attack I want to emphasize what I have told you before. Our policy is to attack in North Viet Nam only military targets and only targets of importance to the support of North Vietnamese aggression in South Viet Nam.

These targets were becoming increasingly important in the early parts of this year and have continued to become increasingly important in recent days.

For example, here is a picture taken on the 14th of June in this area. On this map I have shown the lines of infiltration running south through North Viet Nam into Laos and out of Laos into South Viet Nam. This is Haiphong, Hanoi. It was at approximately this point that this picture was taken at night on the 14th of June.

There were 51 trucks in a single convoy. I show it only to emphasize the great reliance on truck movement, the very substantial volume of that movement in recent days and the growing importance of petroleum to the infiltration of men and equipment from the north to the south.

Now, in addition, the decision to make this strike now was influenced by the fact that in recent weeks the North Vietnamese have been carrying on a program to disperse and redistribute their petroleum storage facilities and in the ensuing seven photographs I will show you some evidence of that.

This particular photograph was taken on the 3rd of March and the same site is shown on the third of April. On the 3rd of March you see them beginning to dig excavations in which they plan to put the large storage tanks you can see here. By the 3rd of April they had completed the excavations and placed the tanks and all but covered them over.

Later they would plan to camouflage those. They have done so in some instances. In this photo taken on the 8th of May we see 4,000 petroleum drums being placed under the trees, camouflaged by the trees and a large number of tanks covered by the foliage awaiting installation in these excavations which are just being completed.

This is typical of the work they are doing to redistribute their petroleum previously concentrated at Hanoi and Haiphong into other areas of the country.

In this photograph taken on the 3rd of June, they have distributed about 1500 drums along the edge of this river—again an evidence of the efforts they are making to redistribute their petroleum.

In this photograph taken on the 8th of June, about two and a half weeks ago, we see dispersal of petroleum in these rail cars and dispersal of large tanks for petroleum—that is tanks to be placed in excavations.

These cars are in the rail yards of Hanoi being loaded to distribute the petroleum supplies and facilities for storage away from Hanoi in the outer parts of their country.

This photograph on the 11th of June shows a rice field outside of Haiphong in which large excavations are being dug and into those they plan to place these large tanks, no doubt planning to draw down the highly vulnerable supplies in the Haiphong storage facility that we struck this morning and redistribute those supplies into these then to be camouflaged and presumably hidden storage facilities.

In this photo taken but a week ago on the 21st of June, we see again outside of Haiphong another storage area that is being constructed, the tanks appearing on the ground, the excavations being dug here into which those tanks will be put and after which they will be buried.

I think you can understand with the increasing importance to us of this target system and importance based upon the increasing use of trucks and motorized junks as a means of transporting men and equipment from North Viet Nam to South Viet Nam, and with what I would call the perishable nature of the system resulting from their plans to disperse it, it became much more desirable to then attack it now than it had been earlier.

Question. Mr. Secretary, in light of Peking's recent statements on the bombing of Hanoi and Haiphong, how do you assess Communist China's intentions now?

Secretary McNamara. I can't speculate on the intentions of Red China. I can only tell you that it has been our policy to follow a program of military restraint to limit our attacks to military targets, we will continue to follow that policy.

I want to emphasize what I have said before. Our objectives in South Viet Nam are limited. Our objectives are not to destroy the Communist Government of North Viet Nam. They are not to destroy or damage the people of North Viet Nam.

They are not even to provide a basis on which South Viet Nam may become a military ally of the west. They are not even designed to develop a set of permanent military bases in South Viet Nam. They are limited solely to permitting the South Viet Namese people to have an opportunity to shape their own destiny, to select and choose the political and economic institutions under which they propose to live.

Question. Mr. Secretary, what is the rate of infiltration per month for North Viet Nam into South Viet Nam? I am asking because three and four months ago high U.S. officials were saying with some passion and conviction that although we might eventually bomb the petroleum dumps, that it was not essential to stopping or even to seriously hampering the infiltration.

Secretary McNamara. The rate of infiltration today we estimate to be about 4500 men a month. These are estimates and preliminary estimates only in the sense that the data as to the actual infiltration lag, the actual time of infiltration very substantially between ninety to one hundred and twenty days, so 90 to 120 days from now we will have much better evidence as to the level of infiltration of today.

Question. Is this the only time you expect to have to hit Hanoi and Haiphong?

Secretary McNamara. I never speculate on future military operations. I want to emphasize in answer to that question we have not hit Hanoi and Haiphong. We have directed our attacks against storage of facilities in Haiphong and the environment of Haiphong and the environment of Hanoi, both storage facilities being located 2 to 3 miles from the built up areas of the city.

Question. Mr. Secretary, you said that this would place a lower limit on infiltration. Can you discuss what this means in light of what you have told the Senate Foreign Relations Committee at the end of April about the number of North Vietnamese——

Secretary McNamara. No, I don't wish to speculate on or attempt to translate the ceiling into the numbers of people that can be moved from the north to the south or the tons of supplies that can be moved from the north to the south.

I think you can recognize, however, that with over fifty percent of the petroleum consumed in North Viet Nam, consumed for military purposes, and with attacks on three targets two of which contain over sixty percent of the total remaining capacity, there is bound to be a restriction on the total movement, capability of the north to the south.

What that ceiling would be and whether it is above the current level, for example, I don't wish to hazard a guess. There is no question but what these attacks will make it far more difficult and far more costly for the north to continue the infiltration which is the foundation of the aggression in the south.

Question. How susceptible to the bombing is the remainder of the capacity?

Secretary McNamara. Again, I don't wish to speculate on possible attacks on the remaining capacity. I think you are well aware, however, that above ground petroleum storage facilities are highly vulnerable to attack.

Question. Mr. Secretary, with regard to our allies and particularly Great Britain, were they informed of this in advance and/or were they told to get their ships away from the Haiphong docks?

Secretary McNamara. To the best of my knowledge no western nations are supplying petroleum to North Viet Nam so there would be no reason to have given a warning to western shipping. Our allies are familiar with the reasons for the strike.

Question. Mr. Secretary, in view of the importance of these facilities to the North Vietnamese, is there any early evidence perhaps that the strike pilots were surprised by the rather light defense? I am talking about perhaps the absence of MIG's and SAM missiles?

Secretary McNamara. No. I can only report the fact that the flak from the ground anti-aircraft ranged from light in certain areas to heavy in others. It was much lighter in the Haiphong area than it was in the Hanoi area.

The surface to air missile attack was light. There was but one MIG encountered. There was but one aircraft lost. As I say, I don't wish to speculate on it but that is the fact.

Question. Could you estimate how long it might take North Viet Nam to rebuild and re-stock these facilities?

Secretary McNamara. No, I can't estimate that. They have only a limited rebuilding capability, however, because this uses stocks and materials—large steel plates, for example—which are in very, very short supply

in North Viet Nam. So, it would be very difficult for them to rebuild.

Question. Mr. Secretary, could you clarify for me where was the MIG encountered?

Secretary McNamara. The MIG encountered was outside of Hanoi. In the Hanoi area there are a number of surface to air missile sites. One of these is about twenty miles outside of Hanoi. The MIG encountered, I believe, as our aircraft were striking that particular surface to air missile site which apparently had been firing on them.

Question. Mr. Secretary, are there any other significant military targets in the Hanoi-Haiphong area other than petroleum sites?

Secretary McNamara. Again, I would rather not answer the question because it would verge on speculating as to possible future operations.

Question. Mr. Secretary, were the Russians warned or otherwise informed in advance of this?

Secretary McNamara. I don't wish to comment on relationships with foreign governments. These are questions that should be directed to the State Department.

I do want to make one last comment, however, and that involves our emphasis on movement to the peace table.

I cannot over emphasize to you the importance that our government places on terminating successfully the operations in the south and our willingness to engage in unconditional discussions to that end.

I want to make it perfectly clear that the attacks of this morning are a part of our policy of exercising military restraint in the direction of our attacks in North Viet Nam against military tragets and those in particular which are the foundation of the campaign of aggression which the north is carrying out against the south.

Question. Mr. Secretary, would you estimate what effect these attacks may have on the efforts to move to the conference table?

Secretary McNamara. This again would be sheer speculation and I don't wish to speculate on it.

I do want to repeat what I said before, however, that the objectives of our bombing campaign in the north are three-fold: First, we hoped it would, when it was initiated a year and a half ago, act to raise the morale of the South Vietnamese forces which were under very heavy attack by the Viet Cong and the North Vietnamese at the time. I think we accomplished that objective.

Secondly, the program was designed to reduce the level of infiltration or substantially increase the cost of infiltration of men and equipment from the north to the south.

There is no question but that we have substantially increased the cost.

We estimate today that the North Vietnamese have been forced to divert over 200,000 people from their customary pursuits to the repair of the lines of communication associated with these infiltration routes.

Thirdly, an objective of the bombing program was to show the north that as long as they continued their attempts to subvert and destroy the political institutions of the south, they would pay a price not only in the south but in the north as well.

Those were the objectives and they continue to be the objectives of the bombing program.

The Press. Thank you, Mr. Secretary.

Secretary McNamara. Thank you very much, Ladies and Gentlemen.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. RUSSELL of Georgia. I yield to the Senator from Louisiana.

Mr. LONG of Louisiana. I applaud the Senator for his statement, and wish to say that I heartily agree with him.

Some time ago, I became convinced that the President of the United States had made up his mind that we were going to see this thing through, that we would not leave the battlefield in defeat or dishonor, that we would either arrive at an honorable settlement of the war, or would persevere until we prevailed. The President, I am convinced, has made up his mind that that is what we will do, regardless of what it costs him in his personal future or what the cost may be to the Federal Treasury.

In my judgment, there was never a prospect that we could defeat even a small, determined Communist power unless and until the decision to do so was made by our Commander in Chief.

The Rubicon has been crossed, and, whatever risk may be involved, I believe the American people are prepared to back their Commander in Chief in the determination that we shall either win a victory or an honorable treaty to settle this controversy. Short of that, we will persevere and do whatever is necessary to support our men in battle.

I thank the Senator for his fine statement.

Mr. RUSSELL of Georgia. I thank the Senator from Louisiana.

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

Mr. RUSSELL of Georgia. I am happy to yield to the Senator from South Carolina if I have time. Mr. President, I ask unanimous consent that I may have 2 additional minutes, in order that I may yield to the Senator from South Carolina.

The ACTING PRESIDENT por tempore. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I commend the able Senator for his statement. There is no question in my mind but that we ought to win this war. And there is no use extending the war for 2 or 3, or 4 or 5 years, having a lot more people killed, and then having a stalemate. I thoroughly agree with the able Senator from Georgia that we should use such power as is necessary to bring victory to the U.S. forces in Vietnam.

Our military men have said that we should close the port of Haiphong. It has been suggested that we mine it, bomb it, or embargo it. They have said further that we should bomb, in North Vietnam, the sources of power, the sources of petroleum, the steel mills, and other strategic points of warmaking potential. I am strongly convinced that those steps should be taken. I am convinced that if the advice of the career military people is followed, we can win this war and win it within a reasonable time. The Communists must be made to know that we not only have the power to win, but that we have the will to win. Once they are convinced of that, then I believe they will come to the peace table, but not before that.

Again I commend the able Senator from Georgia.

Mr. DIRKSEN. Mr. President, will the distinguished Senator yield?

Mr. RUSSELL of Georgia. If I have any time, I am happy to yield.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the distinguished Senator from Georgia have 5 additional minutes.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. DIRKSEN. Mr. President, in 1964 the Republicans set up what was known as the National Coordinating Committee. It consists of the Republican leadership of both the House and Senate, a half dozen Republican Governors, an equal number of members of the national committee, and those who have been candidates for or who have served in the high offices of President and Vice President.

In December of last year—to be exact on December 13—we issued a statement. There are two short sentences in that statement that I wish to read now. The rest of it I shall put in the Record.

We said at that time—and this statement had the unanimous imprimatur of all those present, who came from all sections of the country:

Our first objective should be to impose a Kennedy type quarantine on North Viet Nam.

To accomplish our objectives we also recommend the maximum use of American conventional air and sea power against significant military targets.

Our purpose is and must be, once again to repel Communist aggression, to minimize American and Vietnamese casualties, and to bring about a swift and secure peace.

That is about what happened the day before yesterday.

Mr. President, I ask unanimous consent that the statement of the Republican Coordinating Committee at its meeting in Washington, D.C., December 13, 1965, be printed in the Record at this point. This statement represents the official thinking of the members of my party, from all sections of the country.

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

(Note.—The following Statement was Approved Unanimously by the Republican Coordinating Committee meeting in Washington, D.C. December 13, 1965)

Questions are being raised both at home and abroad as to the devotion of the American people to peace. One cause of this confusion has been the inability of the Johnson Administration to establish a candid and consistently credible statement of our position in Viet Nam. Official statements of the Administration have been conflicting and repeatedly over optimistic. The Communists have skillfully exploited this inadequacy of our present leadership.

We Republicans believe that the people of South Viet Nam should have an opportunity to live their lives in peace under a government of their own choice free of Communist aggression.

We believe that our national objectives should not be the unconditional surrender of North Viet Nam, but unconditional freedom for the people of South Viet Nam and support of their struggle against aggression.

Our nation, with vigorous Republican support and leadership, has dedicated itself to successful resistance to Communist aggression through programs for Greece and Turkey; in Iran, Lebanon and Quemoy-Matsu; in

Austria, Trieste and Guatemala; by timely action in the Dominican Republic and today in Viet Nam.

Under our present policy in Viet Nam, there is a growing danger that the United States is becoming involved in an endless Korean-type jungle war. A land war in Southeast Asia would be to the advantage of the Communists.

Since it appears that the major portion of North Vietnamese military supplies arrive by sea, our first objective should be to impose a Kennedy-type quarantine on North Viet Nam.

To accomplish our objectives we also recommend the maximum use of American conventional air and sea power against significant military targets.

Our purpose is and must be, once again to repel Communist aggression, to minimize American and Vietnamese casualties, and to bring about a swift and secure peace.

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

Mr. RUSSELL of Georgia. Yes, I yield to the Senator from New Hampshire.

Mr. COTTON. The distinguished Senator from Georgia mentioned the lucidity of the statement by the Secretary of Defense. I should like to say that in the years I have served here, I have never known a Senator who was more capable of making a brief, forthright, and lucid analysis of any situation than the distinguished Senator from Georgia.

What the Senator has stated this morning coincides with the views of the Senator from New Hampshire; and he has said it in such an effective manner that I would not take the time to enlarge upon it, other than simply to say that he has presented the position of this Senator, and that I thank him for doing so.

Mr. RUSSELL of Georgia. I am honored by the remarks of the distinguished Senator from New Hampshire.

I yield to the Senator from Missouri.

Mr. SYMINGTON. Mr. President, I thank the able chairman and would associate myself with the remarks he has made.

This morning, the Senate Foreign Relations Committee heard Under Secretary of State Ball. During the questioning the latter stated he knew of no reason, under international law or any previous precedent, which would prevent the United States from attacking military targets in North Vietnam.

Secretary Ball also agreed civilian casualties in North Vietnam were less than total American casualties alone in South Vietnam; and that executions by the Viet Cong and North Vietnamese of prominent civilians in the villages of South Vietnam ran thousands ahead of any possible civilian casualties in North Vietnam.

Mr. President, I asked Secretary Ball if he believed there was anything the President of the United States could have done that he has not already done, in effort to get to the conference table on any basis that would not jeopardize the honor of the United States. He said he knew of nothing further that could be done.

I asked if he and other members of the Cabinet and Government had the opportunity to present their thoughts to the President. Mr. Ball said all had that opportunity at all times; and he felt everything possible had been done to get the matter to the conference table.

I then remarked that when in South Vietnam, in such places as Da Nang, Ankhe, and Plei Me, young representatives of the United States military, all hoped—and so said—that we would do our best to stop the flow of ammunition, food, arms, and troops down the various Ho Chi Minh trails, which supplies were responsible for American casualties.

I then asked the Under Secretary of State if he felt the President should take into consideration the requests of those young Americans—of whom over 4,000 have now been killed and over 22,000 wounded—in his decisions as well as the criticisms and suggestions from those over here who say we should do anything to get to the conference table.

The Secretary's answer was that he felt the President should and did take these matters into consideration. Inasmuch as I know of no one in the Senate who feels we should get out of Vietnam, as I see it, the question is, Should we follow the enclave theory and resign ourselves to letting these young Americans sit behind the wire waiting for the next mortar attack, or should we use our sea and air power to attack military targets in order to give them a better chance to come home?

Mr. President, for the reasons that he has given this morning, I associate myself with the remarks of the able Senator from Georgia and am confident that a large majority of the Senate and our people agree with his position.

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

Mr. RUSSELL of Georgia. I yield.

Mr. HOLLAND. Mr. President, I wish quite briefly, without impinging on the time of the Senator, to associate myself completely with his remarks. I agree completely with him.

I think we have taken the right step and that the step is probably overdue.

I believe that this is the type of firm approach to the situation which the Nation should take, and that we should not be afraid to meet head on a crisis which affects the lives of 400,000 of our men and women and the fortunes and happiness of their families back home.

Mr. RUSSELL of Georgia. And the honor of the United States of America.

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

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. CANNON. Mr. President, I ask unanimous consent that I be permitted to speak for 1 minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CANNON. Mr. President, I associate myself with the remarks of the Senator from Georgia, even though I spoke earlier today on the subject.

I have the highest regard for the chairman of the committee. He has expressed his views on the matter very well.

I, too, believe that this action should have been taken long ago, because, as I quoted the remarks of the distinguished Senator earlier today, I agree completely with him that we are in there and should either go ahead and win or take action to get out. I think this is affirmative action to help us win and to help save the lives of American boys in the future.

Mr. RUSSELL of Georgia. I thank the Senator. As we say down in my part of the world, we ought to fish or cut bait.

TRIBUTES TO THE LATE SENATOR McNAMARA OF MICHIGAN

Mr. HART. Mr. President, since the death of our colleague, Senator McNamara, on April 30, a number of newspaper editorials have been printed which echoed our sorrow. As one editorial concluded:

The courage and candor exemplified by Senator McNamara will always be worthy of applause and emulation.

Another newspaper put it:

McNamara's accomplishments in the U.S. Senate, in civic endeavors and in union work were of such a magnitude and represented such meaningful improvements for his fellow man that the usual post-death tributes do not seem as necessary.

Still another said:

There can't be another Pat McNamara.

Maybe that is really all that has to be said.

Pat himself would have preferred to be remembered by deeds, not words. Nevertheless, I think Members of the Senate might enjoy reading some of the press tributes that have been paid him and I ask unanimous consent that they be printed at this point in my remarks.

There being no objection, the press tributes were ordered to be printed in the RECORD, as follows:

[From the Detroit (Mich.) Free Press, May 3, 1966]

SENATE BIDS FAREWELL TO PAT

(By Robert S. Boyd)

WASHINGTON.—They called Pat McNamara's name for the last time Monday in the United States Senate.

But big, hearty Pat wasn't there to answer the roll in his familiar, gravelly voice.

Instead, Michigan Senator PHILIP A. HART sorrowfully told his colleagues officially that Pat was dead.

While flags flew at half-mast over the capitol, senators spent 45 minutes eulogizing McNamara, and then adjourned out of respect.

A planeload of senators and congressmen will fly to the funeral Wednesday. Aboard will be most of the Michigan delegation and many of McNamara's colleagues on the Senate Public Works Committee, which he headed.

Also at the funeral at Detroit's Holy Name Catholic Church Wednesday noon will be Republican Rep. ROBERT P. GRIFFIN, of Grand Rapids, who is expected to be named by Gov. Romney to serve the last few months of McNamara's term.

Joining in the tributes to McNamara Monday were HART, Senate Democratic Leader MIKE MANSFIELD, Republican leader EVERETT DIRKSEN, and seven other senators of both parties.

They made it plain what they liked about Pat: Whether you agreed with him politically or not, a fellow always knew where Pat McNamara stood.

"He was without guile," senator after senator said. "Courageous," "Blunt," "sincere," "honest," were words frequently used about him.

Senators also praised McNamara's devotion to the welfare of ordinary Americans; programs such as Medicare, Federal aid to education, and aid to depressed areas bear his imprint.

"He would have been the last to claim credit, but he is clearly responsible for much of the social legislation of the last three congresses," Senator MANSFIELD said.

As Senator DIRKSEN put it: "While we often disagreed almost violently, I had the greatest respect for Pat McNamara . . . He was an unselfish person who made a fixed contribution to the well being of the working man."

"Millions of people will benefit from the programs he pushed without ever knowing who Pat McNamara was," HART said. "That's nothing to be saddened by. That would suit Pat McNamara just fine.

"In a profession that often regards personal publicity as a key to survival, Pat was no publicity seeker.

"As the Knight Newspapers' Ed Lahey once wrote: 'It can be truthfully said that Washington never got to Pat McNamara,'" HART said.

Other senatorial tributes Monday included:

Senator WILLIS ROBERTSON (D., Va.): "The keynote of his service was honesty and integrity . . . He had a big heart."

Senator THOMAS KUCHEL (R., Calif.): "He said what he thought and meant what he said . . . He had a passionate concern for Americans who work with their hands."

Senator EUGENE MCCARTHY (D., Minn.): "He had deep confidence in the ordinary people of America."

Senator WILLIAM PROXMIRE (D., Wis.): "He was warm, friendly, very human . . . and rigorously honest. Despite his gruff voice and appearance, he never wounded or hurt anybody."

McNamara probably would have been embarrassed. He didn't go in much for compliments.

As Senator HART put it: "If you wanted to make some admiring remarks about Pat on the floor, it was a mistake to notify him in advance. He probably wouldn't show up to hear it."

[From the Detroit (Mich.) Free Press, May 1, 1966]

(By James C. Dewey)

WASHINGTON.—Senator Patrick V. McNamara, pipefitter, business executive and Detroit civic leader, died at 8:40 p.m. Saturday. He was 71.

Funeral arrangements are incomplete.

He suffered a stroke at Bethesda Naval Hospital in Washington, D.C., while under treatment for a blood clot in the lung.

The Democratic senator, whose trademark was a rasping voice and cutting candor, began his Michigan career in 1921 when he came to Detroit as a job superintendent for an Ohio firm.

He worked his way to the top in construction jobs, was bounced by the depression back into a factory job, and came back to become vice president of a mechanical contracting firm.

He capped his years of public service, which included serving on Detroit's Common Council and Board of Education, by winning election to the United States senate in 1954.

Bluff, outspoken to the point of bluntness, McNamara defied the Michigan Democratic party in the heyday of its power and lived to enjoy it.

In 1954 McNamara stepped, unasked and unwanted, into the Democratic senatorial primary, brushing in his brusque manner past party powers holding the door open for the late Senator Blair Moody.

Barely was the primary campaign on when McNamara with a display of Irish temper tore up his Jefferson Day Dinner tickets, and accused State Chairman Neil Staebler and the Congress of Industrial Organizations (CIO) of rigging the primary in favor of his rival.

Moody was considered a shoo-in, a sure bet to beat the presumptuous, upstart pipefitter to a pulp in the primary balloting. But Moody died before the election—too late for any other Democrat to get his name on the ballot for the party's nomination. And Michigan Democrats found McNamara, despite his public attacks on the party, the only alternative to no opposition at all to Republican Senator Homer Ferguson, then prestigious chairman of the Senate's Republican Policy Committee.

And so a marriage of convenience was made. The CIO, the Democratic organization, and even Gov. G. Mennen Williams, swallowed all candidate McNamara had said. McNamara, on his part, stopped his attacks.

He plodded steadily about the state, never making speeches of more than a few paragraphs. Something about the burly Irishman with the calloused hands, the gravel baritone voice, and the sympathetic understanding gained him a following among rural voters. Labor found it could depend on his tested integrity. Audiences found him a relief from the usual bombastic political orators.

In the end his homely denunciations of the Eisenhower administration's economic, labor and farm policies triumphed. He upset Ferguson by taking 50.9 percent of the vote—a margin of 39,000 votes.

McNamara neither looked, talked nor lived like a senator.

Ruggedly handsome, the 6-foot-2, 240-pound McNamara had a full head of white hair above thick black eyebrows. He was impressive, but not senatorial.

He boycotted the Washington cocktail circuit and lived alone in a single hotel room. He had no close friends in Washington. An occasional racetrack visit or a game of pitch comprised his social life.

On Capitol Hill he was slow in debate but deadly when he made a point.

Never much of an orator, he had an undisguised scorn for the endless extemporaneous debates of his colleagues.

Yet it was his brusque forthrightness that earned for McNamara the respect and friendship of his colleagues.

He came to be the most popular Michigan senator since Arthur Vandenberg. And of him Senator PAUL DOUGLAS (D., Ill.) said in a Senate debate:

"Behold, a senator in whom there is no guile. Everyone always knows where he stands. He does not make any ambiguous statements. He does not cast any ambiguous votes."

McNamara viewed himself in his 12 years in the Senate as a liberal, concerned for the underprivileged, for improvement of education at all levels, for civil rights and equality of representation, for problems of the aging and for fair labor-management laws.

Much of the major social legislation enacted as part of President Johnson's Great Society moved through McNamara's hands, since he was chairman of the Public Works committee and the ranking Democrat on the Labor and Public Welfare Committee, where he also was chairman of the subcommittee on labor and the subcommittee on poverty.

McNamara was particularly proud of two pieces of legislation that passed in 1965—Medicare for the aged under Social Security, and Federal aid to education. He has labored on problems of the aged and on behalf of better education for many years prior to entering the Senate. The two programs were part of his first campaign in 1954 and again when he won re-election in 1960 at a time when he was recovering from a cancer operation.

Patrick Vincent McNamara was born Oct. 4, 1894, of Irish immigrant parents, in North Weymouth, Mass. He was the eldest of eight children.

He attended public school but left high school before graduating to learn pipefitting in the Fore River shipyard of the Bethlehem Steel Co. As an apprentice he was paid eight cents an hour.

After World War I and the deaths of his parents, McNamara traveled throughout the Midwest. In 1921 he married Kathleen Kennedy in Cleveland, Ohio. The couple had two children, Mary Jane and Patrick Vincent.

McNamara moved his family to Detroit shortly after his marriage and went to work as a construction gang boss. He became active in the Detroit Federation of Labor.

McNamara's first wife died in 1929 and in 1930 he married Mary Mattee of Calumet, Mich., whom he met in Detroit.

A year later the Depression brought construction to a halt and McNamara went to work as a maintenance foreman in the Kercheval plant of the Chrysler Motor Corp.

Construction work resumed in 1934 and McNamara went back to plumbing and heating.

In 1942 Congress enacted a rental control law and McNamara was appointed Detroit area rent director for the Office of Price Administration, an appointment he held until 1946.

In 1946 he defeated Louis Miriani for a place on Detroit Common Council and two years later he was elected to the Detroit Board of Education, a post he held until he was elected senator.

McNamara was named executive secretary of the Michigan Old Age Pension League in 1925. From 1937 to 1955 he was the unpaid president of Local 636 of the Pipefitters Union of the American Federation of Labor. In addition, he was an unpaid vice-president of the Detroit Federation of Labor from 1939 to 1945.

McNamara also was the first state president of the Automobile Workers of America—first industrial union in the auto industry, created in 1934 as a "Federal union" under the National Recovery Act. The organization was a forerunner of the United Auto Workers Union.

Prior to his election to the Senate, McNamara was a vice-president of the Stanley-Carter Company, mechanical contractors.

McNamara served on the Labor and Public Welfare and the Public Works Committees since he went to the Senate in 1955. As chairman of the labor subcommittee he was the Senate floor manager of the 1961 minimum wage bill.

He was appointed to the Select Committee on Improper Activities in the Labor or Management Field in 1957 but resigned in 1958 after criticizing committee policy. McNamara said some committee members were out to "get" the United Auto Workers Union and its president, Walter Reuther.

In 1959 and 1960 McNamara joined a group of liberal senators in attacking the leadership of Majority Leader Lyndon Johnson. In 1962, McNamara again joined the liberals in voting against the Communications Satellite Corporation Bill. He voted against the 1962 tax bill because, he said, it did not help the small taxpayer and created an additional loophole—the investment tax credit—for business.

A Catholic, McNamara in 1962 criticized "religious leaders who demand partnership"

in Federal aid-to-education legislation because "they fear that the 'competition' from better-supported public schools will detract from their own institutions." He said that the Catholic hierarchy could "probably be assigned a major share of the blame for the failure to adopt a school aid bill" in 1961.

[From the Detroit (Mich.) News, May 3, 1966]

SENATOR PAT MCNAMARA

U.S. Senator Patrick V. McNamara never in his 71 years pretended to be that which he was not. Eulogists who forget that key to his character at the time of his passing rob a blunt and sincere career of its validity.

The true wonder of his accomplishment is best summed up in that descriptive phrase used so often in tribute—"a steam fitter in the U.S. Senate." He was elevated there largely by the vote of the humble and the trusting, and the greatest possible accolade to his memory is that he never forgot it.

Senator McNamara was to his supporters more a person that a statesman. He was not a scholar, but a helper of others to education. A laborer himself in early years, he became a leader of labor but not as a means of profit. He was on surest grounds in the Senate while voicing labor's cause.

He went to the Senate with certain convictions about the social needs of people. He spoke of them simply and honestly and worked for them directly, with little attention to other great questions of the day or the play of power politics about him. Because of his simple dedications and his stubborn adherence to the philosophy of his origins, he held the respect of his colleagues as an honest man devoid of intrigue or pretense.

He never claimed title to genius or statesmanship or vision outrunning others. He was devoid of vanity, true to friendship, an advocate of the needs of the human heart and human want in all financial decisions.

He went to the U.S. Senate as a compassionate soldier for the disinherited. He asked education for the young, a better living for the worker, protection for the aged. In those causes he did much, often at great physical cost to himself when he was weary and ill.

He had the strong and simple qualities which make a man good. He also had the courage which so often makes ordinary mortals great. It is for all those things which made Pat McNamara dear to his fellow men that his home community pays him honor on his passing.

[From the Saginaw (Mich.) News, May 1966]

SENATOR MCNAMARA

During his nearly two full terms as Democratic U.S. Senator from Michigan Patrick McNamara directed little attention to the press of his home state, or elsewhere for that matter. Probably because he felt it was time wasted, or he was likely to become entangled in philosophic argument which he simply did not choose to argue.

In much the same fashion he took his independent stand within his own party, first defensively because his election was a political accident brought by the untimely death of Blair Moody midway through the first campaign. Moody had all the grooming and party support; McNamara's ascendency from nowhere was greeted with consternation.

But this plain man born of an Irish immigrant family had great sympathy for those who worked with their hands. He knew work and he knew poverty. When he spoke with his votes, he voted that sympathy without complication. No speech-making, no oratory, no apology. He stood where he stood because he felt that the newly emerging social programs were necessary and right.

He drew all the shades of disagreement imaginable, including contributions from this quarter. He made no protest, no defense, no reply. He was independent in his conviction and he voted his convictions without swerve or hesitancy.

When he became chairman of the House Committee on Public Works he made "believers" out of many detractors. Still others belatedly caught up to his grasp of needed changes and today honor him for his role in Civil Rights Act, Economic Opportunity Act, medicare and other legislation. Pat McNamara was a forthright human who is remembered with more kindliness in a day when simple humanity is more honored than despised.

[From the Lansing (Mich.) State Journal, May 5, 1966]

QUALITIES THAT MERIT ESTEEM

Flags in Washington and in Michigan have been flying at half-mast this week to honor the memory of a man who rose from humble beginnings to become a respected and influential member of the U.S. Senate.

Patrick V. McNamara, who died Saturday night at the age of 71 while serving his 12th year in the Senate, was one of eight children of an Irish immigrant. He left high school to learn the pipefitter's trade and made his way upward in the building trades to the post of executive of a Detroit construction company.

Michigan's senior senator was a pioneer leader in industrial unionism and, while he called the labor movement his avocation, he once told newsmen he had never held a paid labor office.

Throughout the eulogies spoken by his Senate colleagues of both parties ran the common theme of admiration and respect for Pat McNamara as a man who never left any doubt as to where he stood on an issue.

And throughout his career, he stood staunchly for legislation he was convinced was needed to help the nation's working men, the elderly and the disadvantaged.

While some of his admirers did not always support what he stood for, they esteemed him for stating his views forthrightly rather than trying to appeal to those of all shades of opinion on controversial issues.

Because it is of vital importance that the people know where their public officials stand, the courage and candor exemplified by Senator McNamara will always be worthy of applause and emulation.

[From the Detroit (Mich.) Free Press, May 3, 1966]

PAT'S PEOPLE FILE BY FOR LAST TRIBUTE

(By John M. Carlisle)

Call them "Pat's People."

You could recognize many of them by their ruddy complexions, their calloused hands.

For four hours last night hundreds of them moved in solemn procession through the Verheyden Funeral Home, 16300 Mack, to pay their respects to the memory of Senator Patrick V. McNamara.

FAMILIES APPEAR

While there was a sprinkling of dignitaries, the majority of the mourners were the kind of people Pat had identified himself with throughout his life.

They were building tradesmen, factory workers, clerks and common laborers. Many brought their wives and children.

It was a warm, spontaneous tribute to the bluff, independent Irishman who had devoted a lifetime to helping ordinary folks to a better life, and these folks passed before his bier because they felt they knew what he had tried to do for them.

They walked slowly through the parlors of the funeral suite, and some of them stood and some of them knelt before his casket. Nearly all mumbled prayers.

They walked on, but they seemed to be reluctant to leave. They lingered in little groups, talking in muted tones among themselves. It was obvious that few of them knew each other, but all felt a kinship in the memory they honored.

These conversational tributes in simple words were in themselves a fitting epitaph to the career of Senator McNamara, the pipefitter who became a leader in the social welfare legislation of our time.

Who were all these people?

"These are Pat's folks," said Thomas McNamara, the senator's brother, executive secretary of the Labor Advisory Committee on Equal Employment Opportunity. "He understood them and they understood him.

"Over there are some pipefitters. Back there are some of his old neighbors. These are the people he felt he knew the best."

James A. Garrison, editor of the Building Tradesman, official organ of the Detroit Building Trades Council, was walking slowly through the mourners.

"These are working people, most of them," he said. "They all carry union cards. Pat felt close to people who worked with their hands as he had done."

Fr. Celestin J. Steiner, SJ, chancellor of the University of Detroit, recalled inviting Senator McNamara to "an intellectual panel to discuss high moral questions."

"Pat turned me down flat," Fr. Steiner remembered. "He said, 'I don't like to be in leagues like that. I'm a pipefitter at heart and so are you, Fr. Steiner.'

"I think that's why he liked me. I had worked as a pipefitter."

"PAT'S PEOPLE"

Walter A. Wilson, vice-president of the City National Bank and a longtime friend of the senator, was looking through one of the two books in which the mourners wrote their names and addresses.

"It's amazing that these people are from all sections of metropolitan Detroit," Wilson said. "Some of these people have driven a long, long way just to come here tonight."

George Horn, business representative of Millwrights and Machinery Erectors Local 1102, said, "Pat's people turned out tonight and there isn't any question that the workingmen of Michigan trusted and respected him."

Charles Verheyden, the 78-year-old patriarch of the funeral home, was surprised that some of the mourners arrived three hours early. Few of them went away. Some of them waited in their cars on the parking lot.

During the evening, three teen-age boys arrived on their bicycles at the funeral home.

"We've come a long ways," their young spokesman said, "do you think we could pay our respects to the senator?"

MOVE QUIETLY

A funeral attendant nodded permission. More and more folks walked quietly past the bier as the evening hours moved on—Pat McNamara's folks.

They were the first in Detroit to pay their respects to the senator who died Saturday night after a stroke in Bethesda Naval Hospital outside Washington.

His body was flown on a military plane from Washington to Selfridge Field Air Base yesterday afternoon.

There will be a rosary service at 7 o'clock tonight in the funeral home. Requiem high mass will be chanted at 11 a.m. tomorrow in Holy Name Church, Van Dyke and Doyle.

[From the Grand Haven (Mich.) Daily Tribune, May 4, 1966]

SENATOR MCNAMARA

In its eulogy of Senator Patrick McNamara the Detroit Free Press declared:

"His name was listed as a sponsor of the major social legislation of recent years—the Economic Opportunity Act of 1964, the 1964 Civil Rights Act, the 1961 Minimum Wage Act, the Area Redevelopment Act . . . The picture we retain of Senator McNamara is of a conference on the aging where the Senator spoke and listened to what he called "the real experts," the aged himself . . . Maybe it's an old story, the one about the Irish immigrant who became one of the nation's leading lawmakers, but still has, like the man who lived it, a simple, direct appeal . . ."

Michigan has produced its share of unusual senators. The late Jim Couzens was one. Although a multi-millionaire, he had a great deal to do with legislation for the poor and the under-privileged. In some respects he was like McNamara, although his background was one of great wealth. The late Senator Arthur Vandenberg, conservative and orthodox in his economic views, came to the aid of the late Frankling Roosevelt in prosecution of World War II.

Michigan has produced unusual senators because it is an unusual state. Sprawled across Wayne County and reaching into adjoining counties is the city and metropolitan area of Detroit, one of the world's largest. Farming, recreation and natural resources are in abundant combination. The thinking of Michigan's lawmakers is a mixture of these forces.

Senator McNamara was first elected somewhat by accident. Blair Moody died during the primary campaign in 1954. Moody was acknowledged to be the Democrats' first choice. But a turn of fate gave McNamara the nomination. Democratic domination of most state offices in recent years virtually assured its nominees' election. McNamara was "in."

The Free Press described McNamara as a maverick. He had his own ideas about legislation and stuck with them. They apparently reflected the views of the majority of Democrats but few of them could have swayed him even if they tried.

It is usually customary for a senatorial candidate to beat the bushes for votes. This makes them known personally among the mass of people. Pat McNamara was no such campaigner. Compared to Senator HART, for example, McNamara was not too well known outside the Detroit area. But he had the hard core of labor leaders' support and apparently a big following among a mass of citizens who have wanted the security of medicare, old-age benefits and the like.

History will judge the contributions of Senator McNamara. It will make little difference whether as individuals we subscribed to his views or not. He was the type of man who seemed to have the common touch despite a seeming lack of effort to achieve it.

A new chapter in Michigan political life may be in the making. The probability that our own Congressman, Representative ROBERT GRIFFIN, a Republican, will be appointed by Gov. Romney to fill the vacancy left by McNamara is widely held. Since this could be "a Republican year" because of the frictions caused by inflation and Viet Nam, a course quite different from McNamara's may be charted. The current Williams-Cavanagh primary contest for McNamara's post—which the late senator already had decided not to keep—makes the whole picture uncertain.

It was difficult for many people to feel that they really "knew" Senator McNamara. But in death he stands out as a much more influential man than his contemporaries realized. One can admire him for a candor and insight that far too many of our senatorial leaders seem to lack.

[From Detroit Building & Construction Trades Council Building Tradesman, May 13, 1966]

LEGEND OF PAT MCNAMARA IS ONE THAT WILL GROW

With the death in Bethesda Naval Hospital last Saturday of Senator Pat V. McNamara (D., of Mich.), the building trades and the State of Michigan lost both a rugged individual and a capable legislator.

Pat, who was in his 12th year as a United States Senator, had his roots buried deep in the building trades. In fact, for nearly 20 years he was president of Detroit Pipe Fitters Local 636.

And despite the fact that he was a member of Detroit's Common Council and the Detroit Board of Education before he was elevated to the Senate in 1954 by an upset victory over Republican Senator Homer Ferguson, it was the building trades that provided him with the springboard into "the most exclusive club in the world."

In all fairness to Pat, let it be said here and now that he never let his closeness to the trade union movement sway his judgment in affairs of state. He loved to say, and in all sincerity, "I represent all the people of Michigan." And he did just that.

Since his demise, Pat has received accolades from all corners of the globe. His courage under fire and the arduous work he performed, without fuss or fanfare, for minority groups, the elderly and "all the citizens of Michigan" had made him a worldwide favorite and an influential senator to be reckoned with in the passage of any major piece of legislation.

Pat McNamara was deserving of all the praise bestowed upon him. He performed a worthwhile service, while always remaining one of the boys, a cheerful Irishman with a puckish grin and a gravel voice.

His presence will be sadly missed in the building trades, but he won't be forgotten. He already has become something of a legend and his is a legend that will grow with the years as his deeds become more publicized and lesser men attempt to fill his shoes.

[From the Michigan Chronicle, May 14, 1966]

MICHIGAN'S SENATOR PAT WILL BE HARD TO REPLACE

Pat McNamara has left us. No one on the political scene today can compare with this man of the people who from humble beginnings rose to one of the nation's highest offices.

Pat was a workingman's workingman and although he moved with the high and mighty in the Senate chambers of the nation, he never forgot from whence he came. He never forgot that it was the people who elected him.

Pat was an uncompromising man. Never has there stood a sturdier oak. He was tenacious in his convictions and fought for those things he believed in with a vigor that made him a valiant champion of worthy causes. He stood four square on all issues that affected the well-being of the little man. He believed in civil rights as an adjunct of human rights.

An unswerving friend, a relentless enemy. There can't be another Pat McNamara.

[From the Detroit (Mich.) Free Press, May 3, 1966]

AS WE SEE IT—SENATOR PATRICK MCNAMARA BLUNTLY CALLED FOR CHANGE

"I believe it can be said of the Senator from Michigan 'Behold, a Senator in whom there is no guile.' Everyone knows where he stands. He does not make any ambiguous statements. He does not cast any ambiguous votes."—Tribute to Senator Patrick McNamara by Senator PAUL DOUGLAS, of Illinois.

The picture we retain of Senator McNamara is of a conference on the problems of the aging where the Senator spoke and listened to what he called "the real experts," the aged himself.

The years showed on the man behind the podium in his slouched posture, tired shoulders and distracted attention.

But when he stood to speak, the applause from old hands wasn't tired and the cheers from the audience recaptured a youthful enthusiasm. The Senator's shoulders rose and he unwound with a speech so direct and so strong that the little old man on the back who cupped his hand to guide the sound into his failing ears, didn't miss a word.

McNamara didn't speak many words that weren't heard. Blunt. Candid. Independent. He cast his ballot as he saw the issue, usually responding to the sympathy he felt for the working man, the disadvantaged and the aged.

Within the Democratic party, McNamara was a maverick. As Michigan's senior senator, his approval was necessary on all appointments, and the broken ambitions of those who forgot, who thought others could speak for the party, are strewn over the Michigan and Washington landscape.

The seeds of McNamara's sympathies and directness can be traced back to an immigrant family, newly arrived from Ireland, where young Pat was the youngest of eight children and to his first job as a pipefitters' apprentice at the Fore River shipyard at an hourly rate of nine cents.

His independence was of more recent origin. McNamara's election was a fluke. In 1954, the election of Senator Blair Moody was as certain as anything political can be, but then Moody died. It was too late for anyone else to file and McNamara, who had entered the race without anyone really noticing it, became a senator. Democrats found McNamara so hard to accept that in the primary he got only 226,000 votes and 126,000 were cast for Moody, a dead man.

Despite such a half-hearted endorsement, Pat McNamara's likable Irish outspokenness won them over and McNamara became a powerful senator. In 1963, he was the first Democratic senator from Michigan ever to chair a standing Senate committee, the Senate Committee on Public Works.

His name is listed as a sponsor of the major social legislation of recent years—the Economic Opportunity Act of 1964, the 1964 Civil Rights Act, the 1961 Minimum Wage Act, the Area Redevelopment Act. He introduced medicare legislation into four Congresses and spent his waining strength to secure its passage.

Maybe it's an old story, the one about the son of an Irish immigrant who became one of the nation's leading lawmakers, but it still has, like the man who lived it, a simple, direct appeal.

[From the Michigan AFL–CIO News, May 4, 1966]

SENATOR'S ACCOMPLISHMENTS SERVE AS A FITTING TRIBUTE

Most men and women have to wait until death to receive their just tributes. Others, like the late Michigan Senator Pat McNamara, so conduct themselves during their life that no further accolades are needed after death.

McNamara's accomplishments in the United States Senate, in civic endeavors and in union work were of such a magnitude and represented such meaningful improvements for his fellow man that the usual

post-death tributes do not seem as necessary.

McNamara scored well in each of several careers that he undertook—public service, union activities and business. His greatest contributions came during the 12 years he served in the Senate. These included:

Passage of the medical care for the aged bill and the setting up of the first Commission on the Aging, which gave the nation's older citizens long-overdue recognition for their problems.

Adoption of the first comprehensive federal-aid-to-education bill.

Passage of President Johnson's War on Poverty programs which are beginning to break the cycle which finds millions of Americans unable to enjoy the nation's unprecedented prosperity.

A leading role in the field of civil rights legislation which resulted in several significant victories in the Senator's 12 years in Washington.

Despite these major accomplishments, Senator McNamara remained a down-to-earth person who was constantly looking ahead to the next improvement in social legislation. The Senate's traditions of stuffiness did not entrap McNamara nor did he fall victim to the club-like atmosphere which demands that honest comment be sidetracked for fear of upsetting the "gentlemanly" code.

Possibly the greatest tribute ever paid McNamara came from his colleague and long-time friend, Senator PAUL DOUGLAS of Illinois, who said of the Michigan Democrat:

"Behold, a senator in whom there is no guile. Everyone always knows where he stands. He does not make any ambiguous statements. He does not cast any ambiguous votes."

[From the Building Tradesman, May 13, 1966]

THIS TRIO WILL BE MISSED

The building trades have been staggered in recent weeks by the deaths of three of its leaders.

First to go was Senator Pat V. McNamara (D., Mich.). Then within two days followed swiftly the passing of Richard J. Gray, president emeritus of the AFL–CIO Building and Construction Trades Department.

The same day that Gray was called to rest, Andrew A. Westley, vice-president of the first district, Brotherhood of Painters, Decorators and Paperhangers, died suddenly.

This entire trio had contributed much to the building trades end of the labor movement down through the years. To say that they'll be missed is to state it mildly.

But there's one thing that can be said about the building trades. There's never been a dearth of leadership. These three leaders were among the best of their respective era and their works will be even more appreciated in the years to come.

Meanwhile, new leadership will develop. It was ever thus "as the old order changeth."

[From the New York Times, May 2, 1966]

SENATOR PATRICK V. MCNAMARA, MICHIGAN DEMOCRAT, 71, IS DEAD—HEADED PUBLIC WORKS UNIT—ROMNEY EXPECTED TO NAME GOP CANDIDATE TO SEAT

WASHINGTON, April 30.—Senator Patrick V. McNamara, Democrat of Michigan, died Saturday night at Bethesda Naval Hospital. He was 71 years old.

Senator McNamara, who was completing his second term, had entered the hospital on March 11 and suffered a blood clot in the lung on March 22. A hospital spokesman said he had suffered a stroke Saturday morning and died at 8:40 p.m.

Surviving are his widow, the former Mary Mattee of Calumet, Mich.; a son, Patrick V. McNamara 3d; a daughter, Mrs. Warren Ballard, and 12 grandchildren.

A member of Mr. McNamara's Senate staff said the Senator's body would be flown to Detroit on Monday. The funeral will be at noon Wednesday in Detroit's Holy Name Roman Catholic Church. Burial will be in Mount Olivette Cemetery.

President Johnson said in a statement issued by Bill D. Moyers, White House press secretary:

"Senator McNamara was a man of good and generous instincts. He served many worthwhile causes with consistent concern for those Americans unable to help themselves, and he will be remembered as a champion of the people. Mrs. Johnson and I regret his death but were proud to know him—and proud of his service to his state and nation."

The Senator, who was chairman of the Senate Public Works Committee, had been ill much of the time since 1960, when he underwent major surgery. He had been hospitalized for a time last January.

Sources close to Gov. George Romney of Michigan said tonight that in all probability he would appoint Representative ROBERT P. GRIFFIN, a Republican of Traverse City, to fill the vacancy caused by Senator McNamara's death. Mr. GRIFFIN is the organization-endorsed candidate for the Republican nomination to succeed Mr. McNamara in the November election.

The Senator had announced earlier this year that he would not seek re-election to a third term. Two major Democratic figures are seeking the nomination in the Aug. 2 primary.

They are G. Mennen Williams, the former six-term Governor and more recently Assistant Secretary of State for African Affairs, and Jerome P. Cavanagh, now in his second term as Mayor of Detroit.

Mr. Williams has been favored to defeat Mr. Cavanagh in the Democratic primary. Mr. GRIFFIN has been considered an underdog against either of them in the general election. However, the advantage of running as the incumbent Senator might shift the odds in Mr. GRIFFIN's favor, Michigan political observers speculated Saturday night.

FIRST ELECTED IN 1954

After a little more than 11 years in the Senate, Patrick Vincent McNamara disclosed on Feb. 23 that he planned to retire when his term ended next January.

Senator McNamara, who was first elected to the Senate in 1954 in an upset victory over the Republican incumbent, Homer Ferguson, was known for his stanch support of Federal aid to education, health care for the elderly and other liberal measures. But he declined to be labeled a liberal.

"I'm pro-people," he once said, "I don't plead guilty to labels."

The silver-haired, gravel-voiced Senator, who stood 6 feet 2 and weighed some 240 pounds, was a blunt and outspoken man who refused to retreat from a position he considered right.

"Arguments," he once remarked, "are only honest misunderstandings. Any time you sit down and calmly consider all the facts, the solution can be easily discerned."

But his daughter commented at the time about the difficulty of moving him when he thought he was right.

"If Dad thinks he's right," she said, "he is the most stubborn person in the world."

While many friends as well as critics concurred in characterizing him as stubborn, most of them also agreed that he was a genial person with an engaging personality and a keen wit.

Senator McNamara was born on Oct. 4, 1894, in North Weymouth, Mass. His parents had recently migrated to this country from Ireland. The future Senator was the oldest of eight children.

He attended public schools in Weymouth and then learned the pipe-fitting trade at the Fore River Apprentice School in Quincy, Mass. He played some semiprofessional football while following the pipe-fitting trade.

In 1921, at the age of 27, he moved to Detroit to head a construction gang.

Senator McNamara left pipe-fitting to enter the management side of contracting work, although he pursued an active interest in organized labor.

From 1937 to 1955, when he entered the Senate, he served as the unpaid president of Local 636 of the Pipe Fitters Union. He was also an unpaid vice president of the Detroit Federation of Labor from 1939 to 1945.

Senator McNamara also served as the first state president of the Automobile Workers of America, the original industrial union in the Detroit automobile industry, which was established in 1934. It was a forerunner of the United Automobile Workers.

On the management side, he was vice president of the Stanley-Carter Company, mechanical contractors.

Discussing his association with organized labor, he once observed: "My vocation has been the construction industry, but my avocation has been the labor movement. I have never held a paid labor office."

The Senator held several public offices in Detroit before he went to Washington. He was named area rent control director for the Office of Price Administration in 1942 and served until 1945.

The following year, he was elected to Detroit's Common Council. He won election to the city's Board of Education in 1949 and served on the board until 1955.

He was given little chance of winning the Democratic nomination for the Senate in 1954 when he filed as a primary election candidate against a former Senator, Blair Moody, who was backed by state party leaders to oppose Senator Ferguson.

Mr. Moody died a little more than a month before the primary, however, and the Democratic state organization decided to support Mr. McNamara, who was the party's only active candidate for the post.

By taking just under 51 percent of the votes, Senator McNamara defeated the favored Republican incumbent by a margin of almost 40,000 votes. The McNamara campaign had included criticism of the Eisenhower Administration's economic, labor, and farm policies.

Mr. McNamara was reelected in 1960 by a margin of 120,000 votes.

His legislative accomplishments included a leading role in the fight to pass hospital insurance for the aged under Social Security. He also served as chairman of a labor subcommittee and was the floor manager of a minimum wage bill that raised the minimum to $1.25 an hour.

THE AGRICULTURAL RECORD SINCE 1961—SETTING THE RECORD STRAIGHT

Mr. MANSFIELD. Mr. President, a couple of weeks ago I had a discussion with the very distinguished Secretary of Agriculture, the Honorable Orville Freeman, relative to the farm situation.

As a result of that discussion, I asked that he put in writing in a letter to me some of the matters which we discussed at that time.

I ask unanimous consent that the letter received from the Secretary of Agriculture be printed at this point in the RECORD, and that the heading be "The Agricultural Record Since 1961—Setting the Record Straight."

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

THE AGRICULTURAL RECORD SINCE 1961—SETTING THE RECORD STRAIGHT

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, June 17, 1966.

HON. MIKE MANSFIELD,
United States Senate,
Washington, D.C.

DEAR SENATOR: The achievement of parity of income by the adequately-sized family farmer in the United States is not an idle dream. Rather, it is a realistic goal that can be reached during the decade of the 1960's if the dramatic progress of the past six years is maintained.

This progress is perhaps best illustrated by the fact that total farm income, as well as net income per farm, has risen sharply since 1960. As a result, nearly half a million farmers are earning parity of income today while six years ago only a handful were in this position. I would also point out that the time of burdensome and costly surpluses is largely passed. Our exports have increased substantially and the abundance produced by the American farmer has done much to prevent hunger among millions of people all over the world. A new era in American agriculture has been launched as our farmers are again producing for the marketplace instead of the storage bin.

As important as this progress has been, there are still too many American farmers who do not receive a return for their labor and capital equal to that earned in other sectors of our economy. In effect these farmers are subsidizing the consumer by absorbing increased production costs while being denied a fair return for their product. This imbalance cannot continue indefinitely. As we both know, the maintenance of full and adequate supplies of food and fiber is a national need of the highest priority. Yet the fulfillment of this need cannot be assured if the farmer is not adequately rewarded for his efforts. If, due to inadequate returns, he is forced to give up farming, our abundant supplies may decline and higher consumer prices will result.

However, vigorous efforts on the part of farmers, the Congress, and this Administration can make parity of income and continued high levels of supply a reality. Our record of progress during the last six years shows what can be done:

Farm Income Up Sharply: Realized net farm income in 1966 will exceed $15 billion. This is up nearly $1 billion over 1965 and $3.4 billion over 1960. Net income per farm in 1966 will set a new record of about $4,600, an increase of 55 percent in six years. This year will be the best in nearly two decades for the American farmer.

Gross farm income for the past five years was up $27.5 billion over the preceding five years, and in the next five years, will average $10 billion a year higher than a decade ago. This increase in the purchasing power of the nation's farmers is of vital importance to our whole economy—to business and industry as well as to the rural community.

The following table shows these gains in detail:

Farm income	Average, 1956–60	1960	1964	1966 estimate
Gross income (billions of dollars)	36.3	37.9	42.2	47.5
Net income (billions of dollars)	11.7	11.7	12.9	15.1
Gross income per farm (dollars)	8,579	9,601	12,151	14,600
Net income per farm (dollars)	2,755	2,956	3,727	4,700

I also want to point out that farm assets are increasing three times as fast as farm debt. Between 1960 and 1965 farm assets increased by $50 billion while farm debt rose $16.2 billion, leaving an increase in farm equities of over $33 billion.

Income from specific commodities up: The following table shows the rise in cash receipts from the sale of major livestock products and all crops.

Cash receipts

[In billions of dollars]

	1960	1965	Estimated, 1966
Cattle	7.4	8.9	10.0
Hogs	2.9	3.7	4.1
Broilers	1.1	1.2	1.3
Eggs	1.7	1.7	1.8
Dairy	4.7	5.1	5.4
All crops (including Government payment)	15.8	19.6	20.2

Surpluses Reduced: Carryover stocks of wheat and feed grains in 1966 are substantially lower than in 1961. Wheat stocks are down 61 percent and feed grain stocks are down 40 percent. This sharp reduction in stocks has meant substantial savings in storage and handling costs. If the 1961 level of stocks had prevailed, storage and handling costs for the period 1962–65 would have been $272 million higher.

Farm exports reach record levels: Since 1960 agricultural exports have increased $1.4 billion, from $4.8 billion to $6.2 billion, or nearly 25 percent. Dollar exports in 1965 were $4.8 billion, or $1.5 billion above the level of six years ago. Exports of wheat, feed grains and oilseeds and product all exceeded the billion dollar mark last year. Our estimate of total exports for the fiscal year 1966 shows them up 10 percent above the rate of the last two years. The increasing level of our agricultural exports, currently about 25 percent of all U.S. exports, plays a vital role in our attempt to improve the nation's balance of payments position. This increase has been made possible largely because the Department of Agriculture has been able to make Commodity Credit Corporation stocks readily available to exporters, when needed, to close export sales.

The job ahead: The progress in agriculture made since 1960 clearly shows that if proper policies are followed, farmers can receive the incomes they deserve. Although the gap between farm and non-farm income is narrowing, it will take continued cooperation, patience, and hard work if farmers are to achieve full parity of income. In 1960 the farmers earned only 55 percent of what other people did. Today he earns about 65 percent as much, or in other words the gap has been closed by nearly 20 percent. Yet, further progress can and must be made. The Department of Agriculture will not relax its efforts until all of the adequately-sized family farmers in America earn incomes equal to those of similarly skilled workers in other sectors of our economy. The problems impeding our success will be many and varied Likewise we must be prepared with imaginative and resourceful solutions. But if we are both patient and determined, I am confident we will succeed.

Sincerely yours,

———.

IOWA BLOOD FOR VIETNAM

Mr. MILLER. Mr. President, Iowans always have been in the front ranks in responding to the needs of others. This is especially true in time of war.

How Iowans have responded for calls for blood for our boys in Vietnam is well told in a feature article which appeared in the June 19 issue of Picture magazine, a supplement to the Des Moines Sunday Register.

I think the article accurately captures the feeling of Iowans and I ask unanimous consent that it be printed in the RECORD.

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

IOWA BLOOD FOR VIETNAM: "SOMEONE'S GOT TO HELP THE BOYS OVER THERE"

(By Nick Lamberto)

In the face of ever-increasing demands in southeast Asia, the supply of two vital blood derivatives has shrunk and the Department of Defense has asked the American Red Cross, its traditional blood collecting agency, to conduct a massive blood donor program.

As in other wars, Iowans have responded. Despite what you hear about "Vietniks" and "Peaceniks," not all college students look the other way when blood donations are asked for use in Viet Nam. At Mason City Junior College, for instance, 355 pints of blood were given, mainly by collegians, during two days of March.

Many others besides collegians have answered the plea. At Charles City, under the sponsorship of the Kiwanis club, which recruited donors, 198 pints of blood were given May 19. A similar drive under sponsorship of the Lions club, netted a proportionate amount at Clear Lake the next day.

In Charles City, 193 of the donors were first-time givers. Many seemed apprehensive when they came to the National Guard Armory, but left an hour later with a feeling of relief and accomplishment. Most said, "It really wasn't too bad. Nothing at all."

Mrs. Gary Wright, wife of a Charles City dentist, said she and her husband decided to give blood after a discussion with another couple during a bridge game.

"The other couple told us they weren't going to give blood because they didn't believe in the policies in Viet Nam," Mrs. Wright recalled. "We don't necessarily believe in all the policies, but some one's got to help the boys over there. They need blood. We're the only ones who can give. Where else would they get it?"

Mrs. Glenn Freeseman, 23, a Greene farm wife and secretary, said giving blood was "a good experience, though I had never done it before."

Allen Blunt, 38, a Charles City contractor, gave because "I always have—it's supposed to go to Viet Nam and that's important."

Similar sentiments were voiced by Dr. John F. Hitzhusen, 51, a dentist and World War II veteran who has given a gallon of blood since 1951, and Mrs. Loren Works, 48, wife of the pastor of First Christian church in Charles City.

Ron Shatek, 21, of Elma, was one of many National Guardsmen who responded to help those in Viet Nam.

Donors included people from all walks of life who were physically qualified (37 were rejected). And those much-maligned teenagers came through again. A group of students over 18 years old from high schools in Charles City gave blood, too.

Glen E. Haydon, executive director of the North Central Iowa chapter of the Red Cross (Cerro Gordo, Franklin, Floyd and Worth counties, said 70 volunteers helped with the Charles City project, including Red Cross volunteers, Junior Chamber of Commerce wives, Kiwanians and eight nurses and five doctors from the Floyd County Medical Society.

The blood donated at Charles City was rushed to St. Paul, Minn., where it was "fractionated into serum albumin and gamma globulin," two life-giving derivatives, Haydon explained.

"Most whole blood needed in Viet Nam is given by servicemen in the Far East," Haydon added. "But serum albumin is badly needed because every serviceman sent to the Far East is given a shot of it to help fight infection because the infection rate there is so high."

Up to the Charles City project, blood donation programs in North Central Iowa had been limited to college campuses, Haydon said, "but now they are open to the general public."

Whatever the reason for giving, the donors all had a good look at a poster which stated: "Someone lives when someone gives."

REAL AND MEANINGFUL FARM NEWS

Mr. MILLER. Mr. President, an article entitled "Real and Meaningful Farm News" is published in today's Wall Street Journal.

The article comments on and corrects a statement by the Secretary of Agriculture which indicated his satisfaction with some of the reporting of farm news. I believe the editorial properly answers the Secretary's statement.

I ask unanimous consent that this 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:

REAL AND MEANINGFUL FARM NEWS

Too many newspapers, says Agriculture Secretary Freeman, treat agricultural news as if it were a running battle between farmers and the Secretary, or between farmers and consumers. "Reporting farm news—or any news, for that matter," he says, "strictly on an adversary basis does not always result in responsible and accurate journalism."

The "real and meaningful" news in farming, he says, concerns its "amazing and exciting revolution . . . the dedicated efforts of farmers to solve their problems and the magnificent contribution they are making to the nation and the world."

Now it is certainly true that farmers have done wonders in improving techniques and increasing crop yields against formidable obstacles. One of which, plainly, is the Government itself. And ironically, the Government's own schemes for farm regimentation have served to spur farmers to develop ways to boost yields per acre, to discard old practices for new.

But newspapers, after all, do not make the news, and the fact is that there have been times lately when farm news has reflected just what Secretary Freeman describes—a running battle between farmers and the Agriculture Department and, to a much lesser degree, between farmers and price-sensitive consumers. Actually, consumers aren't as irritated at farmers as they are at the Administration's transparent efforts to manipulate prices.

For the press would be negligent indeed not to report, for instance, that farmers were unhappy when the Administration's export quotas on hides resulted in lower cattle prices; or when the Government, while raising dairy support prices to less than the prevailing market price, at the same time admitted more foreign cheese into the U.S., and substituted margarine for butter on Army and Air Force menus.

Farmers also were pretty upset when the Administration dumped 60% more feed grain on the market this year than last, Secretary Freeman explaining that grain prices had been "very high" and that "the farmer cannot have it all one way." Or when the Defense Department cut armed service pork servings in half—and kept the move secret for weeks—causing a slump in hog prices, a cut Mr. Freeman likened to the actions of a "prudent housewife."

This being a political campaign year, Mr. Freeman isn't hopeful that the press will measure up to his standards anytime soon. The farm story, he figures, will be reported "almost exclusively on the basis of personalities and political charges and countercharges." That's a possibility the Administration could circumvent by starting to turn the farmer loose to pursue his own destiny in a free market. And that would be real and meaningful farm news indeed.

TRIBUTE TO PROJECT HOPE

Mr. MILLER. Mr. President, William Shakespeare once had one of his characters declare that—

The evil that men do lives after them.
The good is oft interred with their bones.

This always seems to have been true, especially in this day and age when the headlines are filled with death and destruction.

However, the good that people are doing for the less fortunate occasionally stands out. This is true of Project Hope, an activity of the People-to-People Health Foundation, Inc., of Washington.

In 5 years, Hope doctors, nurses, and technicians have trained more than 3,000 physicians, surgeons, dentists, nurses, and paramedical personnel; treated over 100,000 persons; conducted some 8,000 major operations; vaccinated 1 million people for polio, typhoid, tetanus, and diphtheria, and distributed nearly 2 million cartons of milk.

This work has been carried on in the underdeveloped nations where disease and starvation are common.

In 1960, this organization refitted a 15,000-ton Navy hospital ship, renamed it the SS *Hope* and sent it to several countries as the world's first peacetime hospital ship.

The physicians, surgeons, and dentists aboard serve for 2 months without pay, all in the cause of mankind.

The story of seven Iowans who served on that ship was told in the Des Moines Register of April 28. I think it is an inspiration to those who wonder sometimes about the good that Americans do.

I ask unanimous consent that the article, entitled "Iowans Tell of Life Aboard Mercy Ship *Hope*" be placed in the RECORD.

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

[From the Des Moines (Iowa) Register, Apr. 28, 1966]

IOWANS TELL LIFE ABOARD MERCY SHIP "HOPE"

(By Nick Lamberto)

The seven Iowans now serving aboard the world's first peacetime hospital ship anchored off the coast of Nicaragua have found their volunteer work to be extremely challenging and really a means of doing something for others.

"It's rewarding and gratifying," one Iowan explained in a short-wave radio-telephone interview. "You get an inner feeling of satisfaction, knowing you're doing something worthwhile.

"At the same time it can be frustrating—there's so much to be done."

Jeanette Pearl Dillman, 25, daughter of Mr. and Mrs. Loren Dillman of Russell, pictured her nursing duties with the hospital ship Hope this way:

"There's no such thing as a routine day. There's always something different, something challenging. It's nice work and we're all here because we want to be—not for money—and that helps."

Miss Dillman took nurse's training at Iowa Methodist Hospital, Des Moines, and is on leave from her post at University Hospital, Iowa City, during her 10-month tour aboard the Hope.

Miss Dillman said 10- to 12-hour working days are not unusual.

Another nurse, Phyllis Van Haitsma, 25, of Sioux City, confirmed a report that she is getting married to Phil Nichols, the second engineer aboard the Hope.

"It's not just a little romance," Miss Van Haitsma said. "We're getting married the fourth of June. Next year I want to come back here as a housewife.

"There are challenges you find here outside the regular field of nursing. The people need so many things and have so little."

Miss Van Haitsma attended Morningside College and the Methodist Hospital Nursing School in Sioux City. She was on the staff of the University of Nebraska hospital when she volunteered for duty on the Hope.

From October, 1962, to October, 1964, Miss Van Haitsma served with the Peace Corps.

OTHER IOWANS

The other Iowans now serving on the Hope are Dr. David W. Furnas of Iowa City and Dr. John K. MacGregor and Dr. J. Richard Utne, both of Mason City, X-ray technician Malcolm S. Metcalf of Cedar Rapids and nurse Inger M. Lindholm of Ames.

A former Iowan, Dr. Jerry Lawlor, 48, now of Binghamton, N.Y., said he feels something is definitely being accomplished by service on the Hope.

Dr. Lawlor was director of medicine at Broadlawns Polk County Hospital here in 1964 and '65.

Serving on the Hope, Dr. Lawlor said, "we're seeing an average of 20 patients a day on ship and at shore clinics."

"We need medical staff people," he added.

Dr. MacGregor celebrated his forty-seventh birthday Apr. 7 while serving with the Hope.

GRATIFYING PROGRAM

"Most of us came with the hope of adding something to the work started five years ago," Dr. MacGregor said. "We are making wonderful contacts with the people through our health programs.

"Anything you can do to tell the people of Iowa about this program will be appreciated. It has been most gratifying."

Dr. MacGregor, a partner in Surgical Associates, Mason City, was graduated from Cornell College, Mount Vernon, in 1941 and from Columbia University's college of physicians and surgeons in 1944.

Dr. MacGregor plans a big reunion with his family in Mason City in May. He and his wife, Hester, have four children—John, 20; Paul, 17; Laurie, 14, and Katie, 11.

HIGH PRAISE

Dr. Utne, 41, also of Mason City, had high praise for the equipment aboard the Hope.

A radiologist, Dr. Utne said the "equipment, donated by General Electric, is similar to what we have in Mercy Hospital at Mason City."

Dr. Utne's wife, Bernice, and their four children—John, 16; Susan, 13; Barbara, 12, and Linda, 10—await his return in about a month.

The most frustrating thing is "the language barrier," Dr. Utne said. "We all know a few phrases in Spanish, but we have to do our teaching through an interpreter."

The Hope is permanently staffed with doctors, nurses and medical technicians. Volunteer teams of physicians, surgeons and dentists in 20 specialties are flown to the ship for two-months' service without pay. Volunteer nurses serve 10 months.

Another of the Iowa volunteer nurses is Inger M. Lindholm from Ames, a public health specialist.

"We need a lot of groundwork," she said. "The diseases of children seem more severe. Treatment facilities are good, but not as good as in the United States.

"By working with the people and priests we establish mass immunization programs."

Miss Lindholm said the seven Iowans now among the 130 on the staff aboard the Hope don't have time for any formal gathering "but we have a special smile for each other."

NOT AVAILABLE

Metcalf, 49, the X-ray technician from Cedar Rapids, and Dr. Furnas, 35, of the University Hospitals' department of surgery, Iowa City, were not available for interviews when the radio-telephone hookup was made.

Dr. Furnas, an associate in surgery and a specialist in plastic surgery, has a wife, Mary Lou, and three children—Heather, 8, Brent, 6, and Craig, 2, in Iowa City.

Project Hope (Health Opportunity for People Everywhere) is the principal activity of the People-to-People Health Foundation, Inc., of Washington, D.C., an independent, non-profit corporation.

Dr. Willam B. Walsh is the project founder and president. In 1960, the foundation obtained the 15,000-ton Navy hospital ship, Consolation, on loan. It was refitted and renamed the Hope.

To date, the ship has made trips to Indonesia and South Viet Nam (1960), Peru (1962–'63), Ecuador (1963–'64), Guinea (1964–'65) and Nicaragua (1966).

TRAINED 3,000

In five years, the Hope staff has helped train more than 3,000 physicians, surgeons, dentists, nurses and other medical personnel.

In the same period, the Hope staff has treated more than 100,000 persons, conducted about 8,000 major operations and vaccinated a million persons for polio, typhoid, tetanus and diphtheria.

Two million cartons of milk have been distributed by Hope.

PRIVATE RESOURCES

The $5 million needed annually to operate the Hope projects comes from private resources and tax-free contributions from individuals, groups, business, labor and industry. Some financial assistance has been received from the federal government in lieu of a maritime subsidy.

Since its start, about 3,000 American physicians have volunteered for service with Hope but, officials say, "the door is always open for more volunteers—the need is great."

REMOVAL OF AMERICAN TROOPS FROM THE DOMINICAN REPUBLIC

Mr. LONG of Louisiana. Mr. President, the day before yesterday, the first unit of the Inter-American Peace Force departed the Dominican Republic, 14 months to the day that the first elements went ashore in Santo Domingo.

This event is as historic, as significant, and as dramatic as the initial landings—although it is unfortunate that it has not received the same attention in the press.

It is important because it heralds the completion of probably the most constructive and successful experiment of peacekeeping by any international organization.

Mr. President, I ask unanimous consent to include in the RECORD the text of the statement issued yesterday by the OAS ad hoc committee in Santo Domingo announcing the withdrawal of the first unit of the Inter-American Peace Force. Appropriately, the unit was from the U.S. contingent.

The PRESIDING OFFICER (Mr. BURDICK in the chair). Without objection, it is so ordered.

(See exhibit 1.)

Mr. LONG of Louisiana. Mr. President, in my statement before the Senate last week, I reviewed why President Johnson's action a year ago last April has been vindicated. Today I pay tribute to the Inter-American Peace Force which has operated with such wisdom, discipline, and restraint in achieving its high purpose of helping the Dominican people return to the path of democratic, constitutional government.

The Inter-American Peace Force went to the Dominican Republic to stop the bloodshed, to prevent further destruction, to thwart a new Communist effort, and to give the Dominican people the option to choose their own leaders in free elections. In 14 short months it has achieved these objectives. Now, with their mission accomplished, they can retire with pride and satisfaction in what they have accomplished.

Mr. President, I quote what the Brazilian commanding general of the IAPF, Lt. Gen. Arturo Alves da Silva Braga, said to the troops as they departed:

> This event gives me great pleasure. As soldiers we have completed our mission. We have carried out our duty in helping restore democracy to the Dominican Republic. I am proud to have had troops of this caliber under me.

When the troops landed in the Dominican Republic on April 28, 1965, there were many voices heard in this country and elsewhere saying that it was easy to intervene militarily but most difficult to get out. That is one so-called lesson of history that the Dominican experience has disproved.

I hope that situations requiring similar action will not arise again in our hemisphere. But if threats to the freedom of an American Republic should recur, I trust that the OAS will move again in a timely fashion and with even greater participation by the member states.

EXHIBIT No. 1

TEXT OF PRESS STATEMENT ON WITHDRAWAL OF THE INTER-AMERICAN PEACE FORCE

The Ad hoc Committee, representing the Tenth Meeting of Foreign Ministers, is pleased to announce that withdrawal of the Inter-American Peace Force from the territory of the Dominican Republic commenced today in accordance with the resolution adopted on June 24, 1966 by the Tenth Meeting of Foreign Ministers.

Noting that the purposes of the Tenth Meeting of Foreign Ministers had been fully achieved with the popular elections of June 1 in the Dominican Republic, whose results give that sister nation a constitutional and democratic government, the resolution directed the withdrawal of the Inter-American Peace Force to begin before July 1 and be completed within 90 days. The resolution called on the Ad hoc Committee, in agreement with the Government of the Dominican Republic, to issue the necessary instructions regarding the timing and the manner of withdrawal of various units of the Inter-American Peace Force.

The first unit to leave is the 1st Battalion of the 320th Artillery Battalion of the United States Army contingent. Its embarkation for the United States began today and will be completed tomorrow. Schedules for the departure of other Inter-American Peace Force units during the next 90 days will be announced as they are agreed upon between the Ad hoc Committee and the Government of the Dominican Republic.

PROFESSIONAL FOOTBALL LEAGUES

Mr. LONG of Louisiana. Mr. President, I am happy to count myself among the many Members of Congress who, like many of the citizens we represent, are enthusiastic sports fans. Admittedly we cannot find as much time as we might like to give vent to this interest, but occasionally we can sneak away for an hour or two in the stands, or to follow a game on television or radio.

Accordingly, I have noted with considerable enthusiasm the recently announced plans of the National Football League and the American Football League to coordinate their activities in a unified and expanded nationwide professional football league. I am pleased that these plans, which promise a new era of orderly development and improvement of professional football, have received widespread favorable reactions among fans, sportswriters, and editorial commentators throughout the country.

This is a matter of no small public interest, as attested by the vast throngs who come to the games and the millions who follow these attractions on television and radio, and through the press.

Several features of the plan are particularly commendable. It provides an orderly arrangement whereby the weaker teams throughout both of the existing leagues will have a chance to select the top talent graduating from our colleges and universities each year. This assures a strengthening of the weaker teams so that franchises which otherwise might be in jeopardy can be saved for their hometown fans, and followers everywhere can be assured of the type of balanced competition which provides the best attractions for the public.

The existing situation in the recruitment of college players has resulted in extreme inequities between proven professional stars and rookies who have yet to play a professional game. It has led

to severe pressures which create an unhealthy environment for college sports. In the absence of an orderly arrangement as provided in the new plan, the richer teams would buy up all the top talent, to the ultimate injury of all concerned—the owners, the players, and the fans.

The consolidation of the two existing leagues also will bring exciting new attractions to the public. The plan calls for a world championship game this January between the champions of the two existing leagues, which certainly will be one of the major sports events of the year. It provides for interleague competition in the exhibition games next year, and eventually, by 1970, for full interleague schedules which will permit fans throughout the country to see new teams they have read about and heard about but never been able to watch firsthand. I am pleased, also that the plan calls for continued coverage by two television networks, so that fans everywhere will have a maximum opportunity to follow this sport on television.

But the single feature that is most commendable, I suggest, is the logical provision for expansion of professional football to new areas, to bring more and better attractions to more cities and more people. It is important to note that the expansion to new cities will not be brought about at the sacrifice of franchises in cities which enjoy this sport now. All of the existing 24 franchises in both existing leagues will be maintained. In addition to the two new franchises starting this year, two new franchises will be granted by 1968, and two additional franchises will be granted as soon as feasible thereafter. There will be none of the ridiculous pirating of teams from one city to another which has harmed professional sports in the past. Eventually there will be a strong, balanced, coordinated operation involving 28 teams in 26 cities, providing the maximum in attractions for the public.

I am pleased most of all that the plans for expansion are widely reported to include the city of New Orleans in my home State. Certainly the Governor of Louisiana, city officials, and backers of the proposed team in New Orleans presented the strongest possible case for this franchise at the recent meeting of the National Football League. They already have one of the finest facilities in the country, the Sugar Bowl, and they have promised a splendid new stadium which will be even better. I can assure the new consolidated league that the people of Louisiana will welcome them with open arms and provide enthusiastic support for a franchise in New Orleans. I am confident the league will give this application the attention it certainly deserves.

Typical of many expressions on this point was the comment of Arthur Daley, the celebrated sports columnist of the New York Times, who observed that when the NFL expands to its 16th team, "the guess here is that it will be New Orleans." Mr. Daley then proceeds to add a new and excellent suggestion. He observed that New Orleans, with its benign climate and excellent facilities, would provide a "perfect" site for some of the world championship professional football games.

There are exciting times in professional football, and I commend the owners and league officials for developing a constructive plan which will serve our country well, far into the future. Mr. Daley again expressed the consensus when he stated:

> Everyone presently involved will benefit—owners, coaches, team members, and fans . . . the merger will bring stability into pro ball to the mutual benefit of all concerned.

DEPARTMENT OF AGRICULTURE THROWS AWAY HALF MILLION DOLLARS

Mr. WILLIAMS of Delaware. Mr. President, it seems that as each fiscal year draws to a close, a mad scramble occurs in many agencies to get rid of any money that may be left prior to June 30. Apparently the agencies consider it a serious crime if they must return any money to the Federal Treasury.

This year the Department of Agriculture has gone on a spending spree and has procured 2,900 typewriters for use in optical scanning. Orders are that these must be purchased or committed before June 30 in order that the Department may charge them to this year's appropriations. The rush is so great that the Department of Agriculture did not have time to request competitive bids but is buying the typewriters one at a time through the individual offices on a negotiated basis. As nearly as can be figured the Department of Agriculture is paying about a half million dollars more than it would have had it taken time to get bids.

It is interesting to note that when the General Services Administration questioned the Department of Agriculture as to this expensive method of procurement and requested justification for its action, the Department explained that it had to get certain information required under an amendment which I had offered to the Revenue Act last March.

I quote from one of the letters I have received in connection with this matter:

> I am writing you regarding the use of your name to justify, at least partially, a very dubious procurement by the Department of Agriculture. At this time, the Agricultural Stabilization and Conservation Service is filling a requirement for approximately 2,000 typewriters.

And:

> Your name was used by ASCS personnel to justify the haste with which the actual procurement phases of this transaction were carried out. It was stated that no time existed for competitive tests of currently available models if ASCS was to meet your deadline of January 1, 1967 for the reporting of farmers payments to IRS. The decision not to test current typewriters began the whole string of events which led to ASCS's expensive choice.

These special typewriters are costing over $500 each when purchased one at a time.

When this matter was called to the attention of GSA, about 2 weeks ago, it rejected the Department's authority to purchase in this manner. However, in trying to justify the action that had been taken the Department of Agriculture cited an amendment I had offered to the Revenue Act which was passed by Congress in March of this year, but what they did not tell the GSA was that that amendment had been rejected.

For the information of the Department of Agriculture that amendment was rejected. It was adopted by the Senate but was rejected in conference, and it is not the law. Therefore, the Department of Agriculture has no justification for the extra expenditure of nearly one and a half million dollars. Moreover, no justification for such an expenditure would have existed even if my amendment were a part of the Revenue Act because the amendment merely would have required the Department to carry out the reporting to the Treasury Department of the payments to farmers.

All that the amendment to which they referred would have done would have been to instruct the Secretary of Agriculture to file with the Secretary of the Treasury information returns showing the subsidy payments made to the individual farmers in the same manner as information returns are required from every business in America, who must make reports on salaries, dividends, and interest paid.

That amendment was rejected; therefore, the excuse that the Department of Agriculture offered to GSA cannot be sustained.

Unless a clearer explanation is forthcoming from the Department than that which I have heard thus far—prior to the taking of action for the Department of Agriculture by the Committee on Appropriations I suggest we reduce the appropriation of this Department by that much money, together with a special reference to the individuals who have used my name as a justification for throwing a half million dollars down a rathole. As far as I am concerned those persons should be replaced by persons who know that the taxpayers work for this money.

There is no excuse for this extravagant expenditure, particularly when it is made to carry out the provisions of a law that was never enacted.

ADDITIONAL FEDERAL EMPLOYEES

Mr. WILLIAMS of Delaware. Mr. President, the Johnson administration is adding employees to the Federal payroll at a rate of over 5,000 per week. Today, the Joint Committee on Nonessential Federal Expenditures issued a report which shows that for the month of May the administration added 21,007 employees to the public payroll.

During the past 12 months the number of Federal employees has increased by a total of 185,758. Their salaries represent an additional cost to the taxpayers of over $1 billion annually.

The 185,758 extra employees that have been put on the public payroll during the past 12 months compares to an addition of only 615 added during the preceding 12 months.

This spectacular increase cannot be excused on the basis of a war. There was a war going on last year; besides over half of this addition was in civilian agencies.

This spectacular increase in Federal employment appears rather ironic when we remember that last December President Johnson held a special press conference and in a great display of economy called for a reduction in the Federal payroll of 25,000 by June 30. Instead of reducing it, the administration has for the past 12 months been increasing the public payroll at an average rate of 15,000 per month.

Figuring the Government on a 40-hour week—no holiday—this represents an average increase during the past 12 months of 1 extra employee every 40 seconds.

But this is an election year, and the Great Society is not adverse to spending the taxpayers' money to perpetuate itself in power.

SENATE AGRICULTURE COMMITTEE ORDERS SCHOOL MILK PROVISION REPORTED

Mr. PROXMIRE. Mr. President, for many months now I have been working hard to gain Senate adoption of my bill to make the school milk program permanent. I am glad to report to the 67 cosponsors of this legislation that the Senate Agriculture Committee yesterday ordered reported a bill introduced by Senator ELLENDER which contains a provision, similar to my bill in several respects, extending the school milk program.

This, together with the administration's decision to support the milk program in its present form, brings ultimate victory that much closer. I intend to discuss the provisions of the Ellender bill at some length in the days ahead. It should mean a real shot in the arm both for the dairy farmer and the Nation's schoolchildren. I think that my colleagues in the Senate, as well as the Nation at large, owe heartfelt thanks to the members of the Agriculture Committee who have worked so hard to save the school milk program.

MISSILE MYTH EXPLODING

Mr. THURMOND. Mr. President, I know I express the sentiments of most of my colleagues when I say "well done" to the brave and skillful pilots who flew yesterday's successful mission against the oil storage depot near the port of Haiphong.

Besides the immediate significance to our Vietnam war effort, the bombing raid served notice to our Defense Department planners that the day of the airplane as a weapon is far from over.

Despite heavy defenses, the Defense Department said only one of our planes was lost in the first raid against the oil depot. These defenses in the Haiphong-Hanoi area include surface-to-air missiles which many had claimed would doom the manned bomber.

Our Vietnam experience has shown this to be a false premise. This is one of the reasons the Armed Services Committee has authorized more money than President Johnson requested for the Air Force advanced bomber.

In this connection, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD at the conclusion of my remarks an editorial from Aviation Week & Space Technology entitled "Missile Myth Exploding." Also, the magazine has printed a series on the air war in Vietnam which is the most enlightening explanation yet of what is actually happening there. Because of its relevance to yesterday's raid, I also ask unanimous consent that the article from this series explaining how our pilots have countered the threats of Russian SAM's emplaced in North Vietnam be printed in the RECORD at the conclusion of my remarks.

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

[From Aviation Week & Space Technology]

MISSILE MYTHS EXPLODING

The acid test of combat always dissolves many of the most cherished peacetime theories of military leaders and civilians temporarily cast in the role of military experts. And so it is with the escalating war in Vietnam. There, a number of the Pentagon's peacetime computerized analyses of military hardware are turning into illusory phantoms that vanish in the battle smoke.

Perhaps the biggest peacetime myth that is being exploded in Vietnam is the effectiveness of guided missiles under combat conditions. For some 10 years, certain military prophets have been preaching the doctrine that the development of anti-aircraft missiles spelled the doom of manned aircraft as a combat weapon.

SA-2 PERFORMANCE

Now the anti-aircraft missile is getting its first combat test in Vietnam where the Soviet SA-2 Guideline missile is attempting to protect a wide variety of targets in North Vietnam from attack by an equally wide variety of U.S. aircraft. The performance of the SA-2 has been pretty dismal in actual combat conditions, with a record of only about 5% of hits from the total of missiles fired in five months. U.S. Air Force and Navy strike fighter aircraft have found it possible to evade the SA-2 missiles by sharp maneuvers after the missiles have been fired. Electronic "spoofing" of the SA-2 guidance systems has also been effective. These strike fighters being used in Vietnam, because of their size, cannot carry the more elaborate electronic countermeasures equipment that is part of Strategic Air Command's B-52 defenses.

The Soviets have boasted loudly about the effectiveness of their SA-2 missile defenses in Russia and have widely distributed film clips of an air defense missile blasting an II-28 bomber target drone from the sky. They made much of the surprise shooting down of a USAF U-2 over Cuba during the 1962 missile crisis and also generated some spurious claims for the SA-2 effectiveness in the episode of Francis Gary Powers' U-2 descent near Sverdlovsk.

However, putting U.S. strike fighters under combat conditions in Vietnam is proving a more elusive goal than smashing target drones on peacetime test ranges. The SA-2 sites in Vietnam are proving extremely vulnerable to air attack even though heavily defended by conventional anti-aircraft artillery. The effectiveness of U.S. air-to-ground missiles being used to attack the SA-2 sites also has left considerable to be desired in combat effectiveness. Shrike anti-radar missile performance has been too spotty to be relied on further. Bullpup missiles apparently require the attacking aircraft to remain in conventional anti-aircraft range much too long to be popular with combat pilots. The SA-2 missile sites are being smashed with unguided rockets and iron bombs and the biggest damage to the attackers is being inflicted by medium-caliber anti-aircraft guns.

Yet the supposed effectiveness of the extensive Soviet anti-aircraft missile sites deployed around the Soviet Union was perhaps the major factor in Defense Secretary McNamara's dogged determination to terminate manned bomber production four years ago and financially starve any future bomber development programs.

The Soviet difficulties with their SA-2 systems in Vietnam involve a number of factors including the difference between the quality control possible on a few development test missiles and that likely in large-scale production; and the operational capability of well-trained engineers compared with that of field troops in combat. The operational problems of the SA-2 cannot be blamed on Vietnamese because, just as in Cuba three years ago, the SA-2 systems are being operated by Russian personnel.

But the Russians are not the only nationality to have serious trouble with their missiles when deployed on an operational scale. The U.S. Navy's problems with its Terrier and Tartar ship-based anti-aircraft missiles are still an unsolved crisis within the fleet. The Army's Nike Ajax and Hercules record, even against target drones on test ranges, was never very impressive.

During the past two decades when science and technology made such fantastic progress, an almost mystical faith developed in the automated, electronic-brained weapon that rejected the role of man in the combat system loop except as a designer-engineer or a military button pusher. An invincibility and reliability were assumed to be implicit in these type of weapons that made all else obsolete. The combat process was too often synthesized in computer war games whose outcome was accepted as gospel before the battle was really joined.

KEY COMBAT ELEMENTS

The course of human events, even in this age of galloping technology, has never supported this thesis. The factors of human skill and courage are always key elements in any combat equation.

We would be the last to suggest less reliance on technology for our military arsenals. But what we do suggest is that over-confidence has been placed on underdeveloped technology too soon to achieve true military effectiveness. The low combat reliability of several types of missiles in Vietnam and the dismal performance of the Navy's defense missiles indicate that:

More emphasis should be placed on quality control of production weapons.

More thorough development testing program, that features more elements of the battlefield than the laboratory, is necessary before placing full dependence on new weapon systems as a primary source of military power.

ROBERT HOTZ.

THE WAR IN VIETNAM: SAMS SPUR CHANGES IN COMBAT TACTICS, NEW EQUIPMENT

(By C. M. Plattner)

SAIGON.—Emplacement of Soviet-built surface-to-air missiles (SAM) in North Vietnam

has brought about sweeping changes in combat tactics and spurred development of new equipment to counter the effectiveness of this threat.

These Russian SA-2 missiles, although directly responsible for downing only 10 U.S. aircraft, registering a kill rate of 5% for all missiles fired, have nevertheless forced tactical aircraft to fly at lower altitudes where the probability of being hit by conventional anti-aircraft fire is increased.

Since the threat of SAMs in North Vietnam became a reality with the loss of an Air Force/McDonnell F-4C on July 24, Navy and USAF have been working hard to develop means to counter the effectiveness of the missiles.

Both Navy and Air Force were relatively unprepared to meet the SAM threat with equipment and tactics on hand. Among the key lessons learned in the first actual combat situation faced by tactical jet aircraft of either service were:

Navy's Shrike missile developed to knock out enemy radars has been ineffective so far, although a number of them have been fired.

Mobility of SAM batteries exceeds previous estimates. A SAM battery can be dismantled in about 4 hr. and set up in about 6 hr. Moving SAM units from one site to another is done routinely by the North Vietnamese, using road and river networks, particularly after a missile is fired at an attacking aircraft.

Electronic countermeasures equipment and tactics for tactical aircraft were badly lacking. Although some SAM avoidance tactics such as the "pop-up maneuver" had been developed previously, few, if any, high-altitude tactics existed. No electronic counter measures equipment was in use on tactical aircraft and both services rushed into crash programs to develop new equipment.

When the SAMs first were encountered on missions over North Vietnam, the pilots were seriously concerned over the new threat. Later, as they observed repeated misses of the missiles, the pilots changed their attitude. Most now feel that the danger from conventional anti-aircraft fire in North Vietnam is greater than from SAMs.

The pilots also initially were impressed by the larger size of the missile as it sped by and described it variously as a Douglas A-4 without wings or as a "flying telephone pole."

Air Force and Navy, however, quickly learned that the SAM batteries were as difficult to find and destroy as the Viet Cong in South Vietnam. Early strikes attempted last summer against sites met with little success. Too often the site was there but the missiles and radars were missing.

Camouflage and deception made pinpointing sites more difficult, and in one case an Air Force strike was conducted against a dummy site.

It was not until electronic countermeasures were hastily developed and rushed into use last fall that real-time intelligence information gave attacking aircraft a positive indication of the location of active sites.

Pathfinder aircraft equipped with radar-homing devices began to be used last fall in a "hunter-killer" role. The pathfinders pinpoint an active SAM site by flying over it, and the strike aircraft following it deliver their bombs and rockets on the site.

First aircraft to be used successfully as a pathfinder was the Navy/Douglas A-4. The A-4s were used as pathfinders for both Republic/USAF F-105s as well as Navy strike aircraft. Air Force installed a radar-homing device on the F-105, but it turned out to be ineffective, largely because of limited range. USAF then switched to a North American F-100 as a pathfinder.

Conventional bombs and unguided rockets are being used to knock out the SAM sites since the Shrike missile, developed for silencing radar transmitters, has proven relatively ineffective. It is felt that most Shrikes have failed to strike the target, although there were cases where the radar stopped emitting signals. It is not known whether this was a countermeasures move, however, or whether the Shrike had blown up the radar unit.

U.S. military officers have long had a high regard for the quality of Russian radars and have been particularly impressed with the high degree of mobility of their radar and fire control units. It is this high degree of mobility which has permitted the SAM batteries in North Vietnam to be moved frequently and escape strikes from the air.

Two principal types of sites have been identified in North Vietnam:

Permanent, fixed sites with dug-in revetments.

Temporary sites—These are quickly-prepared locations with little attempt at revetting missiles and radars, normally. Maximum use is made of terrain and natural foliage such as orchards (AW&ST Nov. 22, 1965, p. 29) for camouflage, although some sites have been laid out in open fields. When these sites are temporarily vacated, the missiles may be either transported to another site along with the fire-control units or concealed at or near the old site.

Only a small number of the sites are permanent. Most of them are temporary. As of last month there were over 40 temporary and permanent sites in North Vietnam.

The mobility of the entire SAM complex in North Vietnam took military officials by surprise. They initially believed that most of the sites were fixed while several highly mobile units moved around from place to place. Experience showed that virtually the entire SAM site complex is mobile and is moved constantly.

There are several highly mobile SAM batteries of later design with missiles mounted on mobile launchers and radar and fire-control systems in truck vans.

Movement of the SAM units from place to place is largely by road and river transportation. Very little is done by railroad.

Although mobility is surprisingly good, accuracy so far has been very poor. Pilots have several times observed 10-20 SAM's fired at them on individual raids without scoring a hit.

The following reasons are felt to be principally responsible for the poor accuracy:

Constant movement of the radars and fire control systems makes it difficult to keep them at maximum efficiency. Thus, mobility is gained at the expense of effectiveness.

Defensive tactics have been developed by U.S. airmen to take advantage of the SAMs' weak points. These include tactics used while flying at both high and low altitudes.

Track radars and fire control systems until recently were older vintage (S-band) equipment which do not have as high a degree of precision as new Russian C-band radars now being installed in North Vietnam (AW&ST Jan. 10, p. 32). The new radar units are expected to increase the effectiveness of the SAMs in North Vietnam significantly if air operations are resumed.

There is no indication thus far that the more advanced SA-3 missiles are being brought into North Vietnam, but their introduction would undoubtedly increase significantly the hazard to U.S. aircraft. The SA-3 has a longer range and can be fired at lower deflection angles than the SA-2 generation of missiles currently in North Vietnam. It also is equipped with heat-seeking capability which would require developing new countermeasures equipment and tactics.

The large size of the SAMs makes them easy to spot after firing if there is no cloud cover, and they leave a smoke trail which is easily seen during the day. At night the exhaust is seen as a bright glow against a normally black countryside.

SA-2 missiles are guided to their targets from the ground since they do not have an on-board homing capability. General capabilities of SA-2 missiles include the following:

Minimum tracking time from lock-on to fire is less than 45 sec.

Slant range is less than 25 mi.

SA-2s are generally ineffective against aircraft flying at high speeds at altitudes under 3,000 ft. This makes the use of jet aircraft almost mandatory since slower aircraft such as the Douglas A-1 are easier to hit and consequently are not used inside the SAM envelope.

The basic function of surface-to-air missiles is to defend key areas from enemy aircraft. The SA-2s are assigned the role of protecting major cities in North Vietnam from U.S. aircraft, just as Hawk missiles are deployed in South Vietnam at principal air bases such as Da Nang, Chu Lai and Cam Ranh Bay as defense against enemy aircraft.

The SAM envelope in North Vietnam is designed to provide maximum protection to Hanoi, Haiphong and the city and port of Thanh Hoa located 70 mi. south of Hanoi. At least five sites ring the city of Hanoi itself. These, coupled with outlying sites, stretch the SAM envelope to a radius of 40-70 mi. west and north of Hanoi and generally eastward to the coast, forming a wide belt to cover Haiphong also.

SAM sites themselves are normally heavily defended by conventional anti-aircraft weapons, including radar-controlled guns. These present the greatest hazard to aircraft attacking SAM sites, since tactics are employed to minimize the vulnerability to missiles.

The U.S. air strikes against the SAM sites in North Vietnam began on July 27, three days after the missile scored its first success against an American aircraft, a USAF McDonnell F-4C, when 46 F-105s hit two targets 40 mi. northwest of Hanoi. One of the sites was listed as destroyed at the time, but officials now say the first "completely successful" raid against the SAMs did not come until Oct. 17.

The October mission was carried out by four A-4 jet attack aircraft preceded by a Grumman A-6A which served as the pathfinder. The aircraft were from the carrier Independence.

The pilots, who counted five or six missiles on their launchers and apparently ready for firing, encountered heavy automatic weapons fire in the immediate vicinity of the site 50 mi. northeast of Hanoi. There was no response from the SAMs, however.

The A-6A locked onto the site approximately 3 min. after the aircraft had penetrated into the general vicinity. The A-4s, flying on the deck, then made single, high-speed passes over the target in rapid succession, dropping high-explosive bombs. Total time over the target was estimated at 1.5 min.

The pilots reported that, during the course of the attack, one SAM had "cooked off" and could be seen "snaking" its way across the missile site. The missile transporter area and the center of the site itself were in flames.

The low-altitude approach to the target represented a sharp shift in practice from July when the first F-4C was lost. The aircraft was one of four F-4Cs flying over North Vietnam at a medium altitude and above a usually-protective cirrus cloud cover. Pilots of the other aircraft in the flight later reported that they first became aware that they were under attack when a "ball of fire and yellowish smoke" appeared around the aircraft's tail section. At about the same time, they noticed another two "telephone poles" climbing toward them at a near-vertical angle. They made a sharp break and managed to avoid the missiles, however.

Other recent raids against SAM sites and their results have included:

Oct. 31—Navy A-4s destroyed a SAM site 5 mi. from the Kep highway bridge 40 mi. northeast of Hanoi.

Nov. 5—A-4s hit a SAM location 45 mi. east of Hanoi. One missile launcher was destroyed and a secondary explosion was reported.

Nov. 7—USAF F-105s destroyed two sites 31 mi. south southwest of Hanoi. F-4Cs struck a SAM installation 22 mi. southwest of Hanoi. An undetermined number of missiles and launchers were reported destroyed.

Nov. 22—U.S. aircraft attacked two SAM sites, one located 34 mi. west northwest of Hanoi was listed as destroyed. A radar control van was destroyed at the other location 41 mi. northwest of Hanoi.

Nov. 23—F-105s reported that they had destroyed a site 34 mi. west northwest of Hanoi. One missile received a direct hit while on its launcher, and a large secondary explosion was seen.

Nov. 27—F-105s struck the SAM support facility at Dong Em 22 mi. southwest of Hanoi. Seventeen buildings were destroyed, another three were damaged.

Dec. 22—U.S. aircraft destroyed a SAM site 58 mi. northwest of Hanoi.

Prior to the bombing cessation last Dec. 24. the U.S. strategy in picking bombing targets in North Vietnam was a step-by-step effort striking increasingly important targets closer and closer to Hanoi and Haiphong. The goal was to persuade the Hanoi regime to stop aggression in the south. The bombing of a thermal electric power facility 12 mi. north northeast of Haiphong Dec. 14, one of the last major targets hit prior to the suspension, is a good example of this policy.

To pursue this policy with greatest impunity required neutralization of the SAM missile sites in the assigned target areas. As the SAM missile sites mushroomed last fall, from nine in August to over 40 in December, it became increasingly important to conduct strike missions specifically against SAM sites and support facilities. As of mid-October, only seven SAM site strikes had been conducted. From that point through early December, an average of two strikes per week were conducted. Two strikes also were flown against the Dong Em SAM support facility located 22 mi. west southwest of Hanoi. The Dong Em complex was identified as a training area and a missile assembly and repair facility serving three active SAM batteries.

In the two strikes on Dong Em, damage estimates included 27 buildings destroyed, 5 buildings damaged and 2 secondary explosions.

The initial fear of SAMs has been largely allayed by their poor record in hitting U.S. airplanes, but USAF and Navy have been forced to fly at low altitudes on strikes within the SAM envelope.

Both services now frequently use the pop-up maneuver on missions against SAM sites and other heavily defended targets within the SAM envelope. Navy units striking these targets have all but abandoned rolling in on runs from high altitude, a favored technique prior to the advent of the SAM missiles and radar-controlled anti-aircraft guns.

The pop-up technique was developed during the Cuban missile crisis in late 1962 but was not widely practiced subsequently. It involves a final run to the target at low level to escape radar detection. A pull-up is made just short of the target, and, at the top of the pull-up, the aircraft is rolled and pulled through to place the sight on the target, and a normal dive bombing run is completed.

This pop-up maneuver involves precise navigation to the pull-up point, which may be directly in line with the target or more often slightly offset, requiring a modified barrel roll or wing over to establish the aircraft in its run.

Acquiring the target is one of the most difficult tasks to master, since the pilot sees the target for the first time during the pull-up and has only a short time to become oriented and place his aircraft into an aiming trajectory. This compares with the normal mission in South Vietnam where aircraft approach the target at 7,000–10,000 ft. and have several minutes during an orbit of the target to identify it clearly.

Flying at low altitude, however, is hazardous because there are extensive light and medium anti-aircraft emplacements located in the vicinity of important North Vietnamese targets.

Many new anti-aircraft guns have been noted in North Vietnam recently. As one veteran pilot put it, "the guns up there have multiplied like rabbits the last couple of months." Conventional anti-aircraft weapons include 50 cal., 20 mm., 37 mm., 57 mm., 87 mm. and 100 mm. Some of the 57 mm. and almost all of the 87 and 100 mm. artillery are radar-controlled.

Fire from the smaller caliber automatic weapons, from 37 mm. down, has been responsible for downing the large majority of aircraft over North Vietnam. Principal weapons used against SAM sites have been bombs of the 750-lb. category or less. Air Force uses 750-lb. M-117s frequently, since they are in the supply system. The Navy, which doesn't own any 750-pounders, uses 500 and 250-lb. bombs frequently. Both occasionally drop larger bombs in the 1,000- and 2,000-lb. class and fire 2.75-in. rockets also.

A typical F-105 load is six 750-lb. bombs. Normally, one or more flights of four aircraft are employed per mission. Only one pass is made by each aircraft. The Martin Bullpup air-to-ground guided missiles are not being used against SAM sites because of the prolonged period an aircraft must be in a dive to observe and correct the missile on its flight to the target. This provides enemy radar-controlled anti-aircraft, as well as SAM missiles, with sufficient time to track and shoot down the diving aircraft.

SAM site strikes, like all other missions over North Vietnam, normally are planned at White House or Commander-in-Chief, Pacific level, with the Pentagon controlling strikes against all major targets. The requests are written into the daily orders issued by USAF's 2nd Air Div. and Navy's Carrier Task Force 77, and include number of aircraft to be used, ordnance to be carried, strike time, routes and altitudes.

Commanders in Vietnam plan only such things as rendezvous times with tanker aircraft for air-to-air refueling. In the case of joint USAF-Navy operation, they iron out minor details of coordination.

Most SAM missiles are transported from Siberian ports to North Vietnam by ship to the main port of Haiphong, located east of Hanoi. Much of the shipping is done in Russian vessels manned by Communist bloc countries such as Czechoslovakia and Poland.

Russia also supplies the radars for the radar-controlled anti-aircraft, although Communist bloc countries such as Czechoslovakia supply some of the guns. Russia also supplies advisers and technicians to operate and maintain the equipment.

SAM missiles generally have missed to the rear of U.S. aircraft rather than in front. Occasionally, missiles have exploded far in front of attacking aircraft, however, for no apparent reason. Exploding missiles make a "great dirty green-brown glob of smoke," according to one pilot's description.

Proximity fusing was thought to be used initially, but pilots now believe that command detonation via the radar link between ground and missile is being used predominantly. Command detonation is almost always used at low altitudes. SA-2s also are equipped with contact fuses to detonate the warhead on impact.

Layout of SAM sites generally is the same—radar and fire control system in the center of the site and missiles on launchers surrounding the radar. Pilots have noted that adjacent missiles often are 20–30 deg. offset in heading.

Although single SAMs are fired occasionally, more often two or three will be fired in close succession, much like a ripple firing. This may be an attempt to increase hits or counter new defensive tactics.

SCREW-WORM ERADICATION IN MEXICO

Mr. MURPHY. Mr. President, yesterday, this body passed S. 3325, which provides for U.S. cooperation through the office of the Secretary of Agriculture in the task of eradicating the screw-worm from Mexico. I cosponsored this legislation with Mr. MONTOYA because I come from a State which has been plagued in the past with the harmful effects of the screw-worm. In 1965, California and Arizona undertook a program to control the migration of the screw-worm and after a test period of 11 weeks, we have not had one reoccurrence. The importance of this to the breeders of livestock in my State and in this country is a matter with which we cannot be lightly concerned.

Programs to combat infestation by screw-worms were begun 9 years ago by five of our Southeastern States. Even though this area was in part surrounded by water and the land to the north was of such a climate so as to prevent the screw-worm from surviving the winter, there was a chance of reinfestation by migration from bordering States to the southwest. Consequently, inspection stations were needed along the Mississippi River. These were created 6 years ago and were maintained for 4 years at a cost to the Government of $750,000 per year. There was no cost-sharing by the State or local governments involved. With the eradication of this insect, it then became necessary for States to protect themselves from further infestation from Mexico. The cost of maintaining a barrier line at the border rested with the Federal Government. The Agricultural Appropriation Act of 1966 makes $2.8 million available for this purpose, with only minor cost-sharing by the States.

This plan was begun in 1962 and in 1966 the artificial barrier was extended to California and Arizona at a $1 million cost to the Federal Government with the two States adding an additional $600,000. Arizona and California's program was begun in May 1965 with a $100,000 funding provided for under the Second Supplemental Appropriation Act of 1965. In March of this year, it was reported that not one screw-worm had been found to be living in either State during the preceding 3 months, even though the climate would have permitted the insects to maintain life throughout the winter.

Although we might now say that the screw-worm has been eradicated through all the States on our southern border, future migrations will be possible during the present summer if an effective barrier is not maintained. However, the cost of this has proven to exceed $5 million per year.

This bill—S. 3325—will allow a reduced cost with a greater chance of effectiveness in the future. Already the

United States has extended the barrier south of Arizona into Mexico, but the span between the Pacific Ocean and the Gulf of Mexico is a long one, 2,000 miles long, and if the purpose of the barrier is to be achieved, then the entire border must be patrolled. The legislative intent of S. 3225 is to provide for cooperation between two governments, that have always maintained excellent relations in the past, to seek to move the barrier to the south so as to eventually reach the Isthmus of Tehuantepec having effectuated a total eradication of the screw-worm to the north. If this can be achieved, no longer will we have to patrol a 2,000-mile border, but only a 200-mile span. The cost in the future will be minimal and well worth our present effort and expense.

The passage of this bill by both Houses of Congress was an indication of the far-sightedness and cost mindedness of their Members. S. 3325 is a worthy amendment to Public Law 8, enacted on February 28, 1947. It attacks a significant problem. Hopefully, the results will be as successful in the eradication of the endemic screw-worm as has been the elimination of foot-and-mouth disease in Mexican and American cattle.

SHAMEFUL THAT WE FAIL TO USE CIVIL DEFENSE HOSPITALS TO SAVE LIVES OF CIVILIANS IN VIETNAM AND OTHER STRICKEN AREAS

Mr. YOUNG of Ohio. Mr. President, in Vietnam, at Clark Air Base in the Philippine Republic, and in other of our military installations in the Far East, the hospitals of our Armed Forces are jammed with wounded and sick from Vietnam. In addition to those GI's wounded in actual combat with the Vietcong, thousands have been maimed or severely wounded by jungle "booby traps" so concealed as to escape detection unless extreme caution is exercised.

Then, thousands of our young servicemen, fighting in Vietnam, have been afflicted with malaria, hepatitis and other jungle diseases. Many of these are of such a virulent nature that modern medical science has been hard put to find cures for them. As a result, unfortunately, many fine young Americans have died. In April of 1966 alone, 850 GI's were afflicted with malaria, not to mention the number of soldiers, sailors and airmen who were stricken with other dreaded tropical diseases.

At the same time thousands of soldiers fighting in the Vietnamese army and additional thousands of South Vietnamese civilians have been wounded and maimed. For many of them there are no hospital beds whatever. Many of our young men are placed on temporary cots.

Mr. President, it is shocking that while this tragic situation exists, there are 2,644 civil defense hospitals presently in storage throughout the Nation. Each contains 200 beds for a total of 528,800 hospital beds, rotting and mildewing in civil defense storage facilities. These emergency hospitals, so-called, have cost taxpayers $75 million. In Ohio alone there are 119 of these hospitals stored away. Think of the good will we would engender in Asia were we to donate these hospitals to civilian authorities of South Vietnam. Without a doubt thousands of these hospital beds and other equipment could be put to good use by our medical corps officials in Vietnam and elsewhere in the Far East in countries such as India, Pakistan, Burma and Laos. Also, there is no doubt but that this equipment would save the lives of thousands of Vietnamese soldiers and civilians. In Saigon the situation of the civilian population is unfortunate and in fact very sad. It is said there is only one hospital in that densely populated city available for civilian men, women and children.

In Ohio a recent investigation of two of these stored hospitals revealed that thousands of dollars worth of medicines had wasted away while the usefulness of even greater amounts is rapidly expiring. Hospital beds and other equipment have been rotting away from mildew and neglect.

This same intolerable situation exists in other States, and is just one more example in a long list of silly schemes and unworkable programs concocted by boondoggling civil defense officials.

Mr. President, civil defense officials have asked for an appropriation of more than $133 million for the coming fiscal year. These bureaucrats never seem to learn. After 15 years, after the complete waste of more than a billion and a half taxpayer's dollars, and after hundreds of silly and useless schemes, they still hope to continue the ridiculous civil defense boondoggle.

There is no other function or agency of the Federal Government that has been so thoroughly discredited. Few citizens any longer take its operations seriously. Many communities throughout the Nation have discontinued their civil defense programs and expenditures officially, such as Portland, Oreg., New York City, Baltimore, Md., and elsewhere have ignored them to the point where for all practical purposes they have been abolished. Shortly after he took office, Mayor Lindsay, of New York City, announced that he would abolish that city's office of civil defense. In doing so, he saved the taxpayers of New York City more than $1,200,000 a year. Let us hope that other mayors and Governors follow this commonsense action by the mayor of New York City.

Despite these facts and despite the fact that American citizens have completely lost faith in the civil defense boondoggle, civil defense officials continue to stock shelters—holes in the ground—with food and medical supplies at a cost to taxpayers of more than $20 million a year.

Mr. President, unfortunately, too few Governors, mayors, and county commissioners can resist the temptation of Federal matching funds to provide in many cases a comfortable haven in the political storm for political hacks and defeated officeholders. While enjoying public sinecures they do little except talk vaguely about survival plans, write messages to other bureaucrats, stage alerts to annoy their neighbors, and distribute countless reams of literature.

Daily, I—and I am sure all of my colleagues likewise—receive telephone calls and letters from mayors and other municipal officials requesting assistance in having their applications for public works and other Federal projects expedited. At the same time, the Federal Government is encouraging these officials to spend millions of taxpayers' dollars for civil defense employees and ridiculous civil defense programs.

If we cut off the head of the bureaucratic octopus in Washington, its wasteful satellites in States and cities will soon wither away. The civil defense program has been a stupendous hoax and waste of more than a billion and a half dollars of taxpayers' money. This so-called civil defense shelter program is a huge boondoggle. The Soviet Union poses no threat of nuclear attack with intercontinental ballistic missiles. Its leaders seek coexistence. They are veering toward capitalism. No other nation has any capacity to assail us with nuclear warheads.

Mr. President, let us put an end to wasting more of the taxpayers' money on storing hospitals and medical equipment which will never be used, on buying so-called survival biscuits, on digging ridiculous holes in the ground and placing ugly black and yellow signs on public and other buildings, and on a thousand and one other absurd programs perpetrated by the civil defense boondogglers.

PRESS INTERPRETATION OF VIETNAM WAR

Mrs. NEUBERGER. Mr. President, a most perceptive analysis of the Vietnam war has been written by the southeast Asia correspondent of the Christian Science Monitor, Takashi Oka. Mr. Oka is now leaving Vietnam after covering events there for the last 5 years. The following article was written as a valedictory memo to his paper, reviewing the impact of the conflict on the Vietnamese people. I ask unanimous consent that the article from the June 30, Christian Science Monitor be printed in the RECORD.

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

THE VIETNAM WAR

(By Takashi Oka)

SAIGON.—First, we must recognize that the war in Vietnam is primarily a political conflict, not a military campaign.

The war is a conflict between Communist and non-Communist Vietnamese for political control over South Vietnam. Military force is an essential aspect of this conflict. But it is far from being its only aspect. The conflict began before military means were invoked and will continue after these means are deemphasized if not discarded.

Americans have continually misjudged the nature of the Vietnam conflict because of their own background. With all the imperfections of the American system, Americans are nevertheless satisfied with it, because they essentially believe that this system has developed institutions sufficient to provide

for changes and improvements from within. They look on communism as an external threat attempting to tear down and to destroy these institutions. Consequently, the American reaction to communism is by nature defensive.

When American policymakers see South Vietnam battling against Communist insurgents, they interpret the Vietnamese commitment as being exclusively defensive, the objective being to root out the Communists. What the Americans fail to recognize is that, while fighting the Communists, the South Vietnamese must also face up to a more basic issue—the unchaining of their own society from the fetters of the past and the emergence of a new, open, democratic community based on justice and equal opportunity for all citizens.

BROAD TERM NEEDED

Today, North Vietnam is a thoroughly Communist state. South Vietnam, however, cannot be described as thoroughly anything. "Non-Communist" is the only term broad enough to encompass all elements which are not Communist. While the non-Communists agree on opposition to communism, there is a sharp distinction between those who fight communism in order to preserve the status quo—their own privileges—and those who are fighting to change society at the same time as they resist the Communists.

I believe strongly that the non-Communists have no chance of success against the Communists unless they adopt a revolutionary viewpoint—a viewpoint that change is essential in the structure of existing society—not after the Communists are defeated, but in order to defeat the Communists.

When a newspaper analyzes and explains the various political forces in South Vietnam, it should distinguish clearly between elements which would either help or hinder the revolutionary cause. These elements exist within all the political forces, and the conflicts between them are often intense.

A newspaper should give the reader some idea of major factors in Vietnam's past that condition the political climate of today—the Confucian philosophy of government, the cycle of alternating rebellions and tributary relations with China, the effect of the French conquest and the opening of the Western window.

VARIOUS ROLES INVOLVED

It should explain the role of the armed forces, of the religious groups, the secular political parties, the students, the trade unions, the ethnic minorities.

It should study the Communist adversary in relation to these non-Communist forces, discussing how the Communists have capitalized on areas neglected or underestimated by the non-Communists—first and foremost the peasants.

When a paper is confronted with coups and demonstrations, it should show how various forces are attempting to use these disturbances as instruments of political change. Obviously, the Army favors coups, while religious and other pressure groups rely on strikes and demonstrations.

A paper should explore what are the practical possibilities of introducing elections, Western-style constitutions, and the two-party system as possible instruments of political change.

It should discuss the American presence for its effect, both positive and negative, on politics in South Vietnam. On the positive side, we can see that the very presence of egalitarian-minded, non-precedentbound Americans has helped to shake sections of society loose from traditional moorings. On the negative side, the United States defensive reaction to communism has caused it to rely on Vietnamese elements which tend to represent the status quo rather than a revolutionary viewpoint.

A paper's basic viewpoint should be that the Vietnamese revolution is not lost, but remains unfinished. The Communists insist that they are going to complete it in their way. The non-Communist Vietnamese, divided as they are, are at least united in their determination that this shall not happen.

Which, then, of the non-Communist political forces, or which combination, can forge a winning team capable of carrying the revolution through to fruition? What are the practical chances of success? Could changes in present American policy enhance these chances, and how?

These are the basic political questions to which a newspaper should address itself in its coverage of the Vietnamese conflict.

Second, a newspaper must never forget, nor allow its readers to forget, the villager, the man over whom both sides in this conflict are fighting.

Who is the villager, and what does it mean to live in a Vietnamese village today? We have all seen pictures of him, his wife, his children—clad in black shirt and trousers or shorts, plowing fields, riding buffaloes, paddling sampans, cowering in trenches while guns boom, planes bomb, huts burn. For 20 years he has known little but death and destruction.

If he is a tenant, his landlord moved to the city long ago and cannot exact rent. But until recently, the government insisted as a matter of form that he pay rent, or, if land reform had been carried out, that he pay for his land on installment.

But the Communists have also carried out land reform, under which they gave clear title to the tiller. Now Saigon is belatedly emulating the Communists, but the peasant still knows that his former landlord stays in the city, on the Saigon side. Which is better: to pay rent to the landlord or taxes to the Communists?

Every time a villager goes in and out of his hamlet, he must get permission from the local police. If he is drafted for military service, he must serve far from his own home, for the government fears that otherwise he might defect. If he is in a village under government control, Communist agents come through at night asking for contributions. Government agents are there by day. The villager must pay both.

(I met a retired policeman who lived in a fair-sized town—just outside district headquarters. He paid 500 piastres to the Communists whenever they demanded it, because, he said, the government couldn't protect him at night, when he needed protection.)

Both government agents and the Communists are continually searching for spies and agents in the village, hauling off suspects to the city or the jungle as the case may be. I asked a province chief once what the villagers would most like the government to do for them, expecting he would say "schools" or "fertilizer" or "credit."

EXACTIONS OPPOSED

Instead he said, "What a villager wants the most are two things—no arbitrary arrests and no illegal exactions. But in order to guarantee him these two simple things, a great deal of investigation is necessary and many other things must first be put in order."

If the village is in a Communist area or, as in most cases, in the middle, the peasant is continually in the path of operations, conducted by both sides. I have been with government forces on such operations. Most villages we entered were deserted; anyone found, especially able-bodied men, was immediately grilled.

The villagers are the potential enemy, as far as the soldiers are concerned, and if I were a soldier, inching my way forward along slippery paths with obstacles and traps barring my way, and mines, grenades, and ambushes an ever-present threat, I might feel the same way.

Under the best of circumstances it does a villager little good if he is treated as an enemy by the soldier and is visited two weeks later by an eager-beaver civic-action cadre intent on showing him how to grow better crops. Furthermore, that kind of cadre seldom visits the villages; the most frequent visitor is one who paints propaganda slogans about the terrible Viet Cong in order to fire the villagers with enthusiasm to participate in the war. (The Communists do the same thing in reverse, but somewhat more intelligently than Saigon.)

War is always dehumanizing, and I think a newspaper should make a special effort to keep the Vietnamese villager from becoming anonymous, a far-off man in a far-off land. The villager is patient, hard-working; he is not stupid, nor unwilling to change, so long as he sees it is in his own interest to change.

Contrary to what many sophisticated political scientists say, he needs democracy more than almost anyone else, because he is the most imposed-upon person in Vietnam, and it is only through practical democracy that he can begin to have a voice in his own affairs.

Third, we should realize that this is not a war between Americans and Vietnamese, however much it may seem to be so depending on time and place.

This is a war between Vietnamese and Vietnamese. On one side are Vietnamese who believe in and are motivated by the Communist ideology, or by nationalism as taught and defined by the Communists, or anti-Communists—some, but not all, motivated by a genuine sense of nationalism and the need for a non-Communist social revolution. Some fight because of military professionalism.

Americans came to Vietnam to help the non-Communist side. To the extent that more and more non-Communist Vietnamese acquire a positive motivation, to that extent the war is being won. What individual Americans do in Vietnam can help in this direction, or hinder it.

A newspaper should be fearless in giving examples of both helpful and negative aspects of the American military presence. Sometimes a team of American military advisers works well with its Vietnamese counterpart; sometimes the reverse is the case. A paper should strive to report factually the less savory aspects of the war, without sensationalism but also without glossing over what should be exposed.

Fourth, we should have a clear and realistic attitude toward negotiations to end the Vietnam conflict.

Both the United States and the Communists say that all parties to the conflict must return to the Geneva treaty of 1954. The Communists tax us with having refused to implement elections to reunify the country in 1956. We say that Hanoi has violated the treaty by infiltrating men and materiel across the 17th parallel in order to conduct subversive war against Saigon.

There is a wide gap between the American and Communist position regarding what a "return to Geneva" would mean. The Americans want northern infiltrators to return to the North, the southern guerrillas to stop fighting, and in effect return to the status quo of 1959, before the insurrection began.

The Communists insist that Hanoi has no part in the war in the South, and that the Communist-dominated National Liberation Front is the only "genuine representative of the South Vietnamese people."

Communists and Americans agree that the dispute is about South Vietnam, not about

the North. Washington repeatedly disclaimed any intention of "liberating" the North. Americans even agree with the Communists that South Vietnam should be neutral, with no foreign troops or bases.

But the Communists want South Vietnam to be under the Communist-dominated Liberation Front. The Americans want to preserve a South Vietnam that will have the freedom to choose its own future.

As for the South Vietnamese themselves, they do not speak with one voice on this issue. Extremists talk of liberating the North. Others are absolutely opposed to allowing the Liberation Front any role in South Vietnam, even a purely political one.

They argue that the Geneva treaty of 1954 in fact divided the country into two parts—Communist and non-Communist. The Communists got the North, the non-Communists got the South. Those in the North who did not want to live under Communist rule came South—almost a million of them. Those in the South who did not want to live under non-Communist rule went North—about 125,000.

INFILTRATION PUSHED

The trouble in South Vietnam began because the North began infiltrating back to the South those people who had originally chosen to go North. Therefore, one condition for peace talks should be that the North should take back all those southern (and northern) Communists which it has infiltrated into South Vietnam since 1954.

But a number of South Vietnamese believe that even after yielding on all other conditions, the northern regime will insist on the Liberation Front's right to continue as a purely political party in the South.

I tend to agree with them. I also believe that this is a condition we should accept. We have said from the beginning that this was a political contest between Communists and non-Communists. During nine years Ngo Dinh Diem tried to win this contest, essentially by imitating Communist methods of repression. He failed. This should be a lesson that communism cannot be uprooted by methods of suppression.

If South Vietnam is to be an open society, and I see no point in fighting this war unless it is to preserve this choice, we cannot simply drive the Communists underground. In some form or another, whether explicitly under the Communist label or as a "people's movement" of some kind, the Communists should be forced to contest election so that the actual degree of their support becomes clear to the people.

A newspaper's editorials should seek to define the kind of South Vietnam that would emerge from negotiations. They should expose imprecisions and vaguenesses on the part of Saigon and Washington, as well as of Hanoi and the Liberation Front.

They should make clear to southern extremists that we are not prepared to fight for the liberation of the North. They should also make clear to the Communists and neutralist nations that we are not fighting to keep South Vietnam as an American satellite, and that our commitment is not to a specific regime but to the preservation of the South Vietnamese people's freedom of choice.

The Geneva treaty of 1954 did offer them that freedom, and we want to see it maintained.

Fifth, a newspaper should have the courage to advocate American withdrawal if and when the United States loses the support of the South Vietnamese people.

I recognize that at some point one may come to feel that the lack of improvement in the Vietnamese political situation, as manifested in continuing corruption and the unwillingness of the ruling classes (generals, politicians, whoever they may be) to make the necessary sacrifices, as well as in the growing estrangement of the people, make victory impossible.

At that point a newspaper should fearlessly advocate United States withdrawal, whatever considerations of face or prestige may be involved.

Many of my friends believe that point has already been reached. Others cannot conceive of such a situation arising so long as the United States itself stands firm.

I do not believe that victory—which I define as the preservation of South Vietnam's freedom of choice—is impossible. At the same time the United States cannot fight this war without the support of the South Vietnamese people. The war is certainly as important to the United States as it is to South Vietnam—but not more so.

The time may come when a newspaper will have to make a moral choice between continuing to inflict death and destruction over a wide portion of the South Vietnamese countryside and letting the Communists take over. The fact that the Communists have no scruples about sowing death and destruction does not justify our doing the same. The war is worthwhile to us only so long as it is worthwhile to a demonstrable majority of the South Vietnamese people. When it ceases to be so worthwhile, then we have no moral right to continue in South Vietnam, and a newspaper should point this out.

LOW INTEREST, HIGH INTEREST, AND THE BALANCE OF PAYMENTS

Mr. SYMINGTON. Mr. President, concern has been expressed recently in certain segments of the U.S. banking community that a 3-percent interest rate after a 10-year grace period on AID development loans will adversely affect U.S. exports. Their argument is that, since 90 percent of development loans to foreign countries finance U.S. exports, any tightening of credit will affect our trade balance negatively; and thereby worsen the balance of payments.

This is curious reasoning.

In the first place the 90 percent so-called tied figure ignores the substitution effect on credit sales for cash sales under program loans, which is now widely recognized and accepted. As an astute banker, Mr. A. Von Klemperer, vice president of the Morgan Guaranty Trust Co. of New York, stated on June 13, 1966:

> Let me raise a warning flag that exporters must watch. On the face of it we are entirely correct when we say that the balance of payments effects of government foreign aid and loans is minimized by the fact that they are tied to exports of U.S. goods and services. Still, a subtle change is taking place in this area which makes this statement less meaningful than in the past and detracts from the value of tieing aid and loans as a means of helping our balance of payments.
>
> A growing volume of AID loans, and even one or two Eximbank loans have been made recently for general or only loosely specified exports, rather than for specific development projects. Specific projects that could not materialize without a loan do result in additional exports from the United States. Loans for general merchandise exports do not necessarily create additional exports. In some cases they will merely release funds in the recipient countries for other imports that are, as likely as not, purchased in countries other than the United States.
>
> Lending policies must be adjusted to these facts of life to avoid a situation where foreign aid and loans create an additional drain on our hardpressed balance of payments.

Second, a 3-percent interest charge after a grace period of 10 years is far below commercial lending terms on export credits—generally now between 5¾ and 7½ percent depending on the "credit worthiness" of the borrower—and also far below the interest charges on loans of other developed countries, the World Bank and the Eximbank, the bulk of which generally fall between 5 and 6 percent.

If we accept the argument that raising interest rates from 2½ to 3 percent militates against U.S. exports, what is one to assume with regard to bank loans that run at 6 or 7 percent? If one accepts the argument of these of our international bankers at face value, one must conclude that their charges are utterly destructive of U.S. exports.

Development loans now carry a 2½-percent statutory minimum interest rate, starting after 10 years. To raise this to 3 percent will have little, if any, effect on U.S. exports.

Frankly, it would seem that the real concern of certain American banks doing business abroad lies in the doubtful ability of the less developed countries to repay the hard loans of these institutions without the continuing input of soft loans. As of March 31, 1966, these hard loans stood at $4.9 billion.

Does it make any sense for the United States to gear its entire aid-lending terms to the possible needs of a relatively few group of bankers?

Why should we commit public funds on soft terms to countries so as to insure the "soundness" of hard loans committed by other institutions and governments?

I ask unanimous consent that a summary of private banking loans and credits to less developed countries as of March 31, as listed in the May Federal Reserve Bulletin, be inserted at this point in the RECORD.

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

Banking loans and credits outstanding to less developed countries as of Mar. 31, 1966

[Millions of dollars]

SHORT-TERM	
Latin America	2,201
Asia, excluding Japan	583
Africa	135
Total	2,919
LONG-TERM	
Latin America	1,263
Asia, excluding Japan	409
Africa	193
Total	1,865
TOTALS	
Latin America	3,464
Asia, excluding Japan	992
Africa	328
Grand total	4,784

MEDICARE

Mr. CURTIS. Mr. President, medicare should be administered for the benefit of people who are ill. It should not be administered for the convenience of Government officials who write regulations.

There is a real danger that many hospitals operating in small communities in rural areas, if rejected by medicare, conceivably cannot continue to operate as a hospital. This could lead to the doctors

in many rural towns being compelled to go elsewhere.

Mr. President, I wish to insert in the RECORD an article written by Mr. Tom Allan and appearing in the Omaha World-Herald on Monday, June 27, 1966, entitled "Callaway, Nebr., Hospital Flunked by Medicare."

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

[From the Omaha (Nebr.) World-Herald, June 27, 1966]

REDTAPE ANGERS CUSTER COUNTIANS—CALLAWAY, NEBR., HOSPITAL FLUNKED BY MEDICARE

(By Tom Allan)

CALLAWAY, NEBR.—For years this Custer County community of six hundred has considered itself a Sand Hills medical center.

The town's pride is its modern, 12-bed, six-bassinet, red brick Callaway Municipal Hospital built in 1951 and the modern, fully equipped doctor's office and clinic just across the street.

Although there is a Medicare-approved facility at Broken Bow, 23 miles away, patients come from a two-thousand-square-mile area including such towns as Eddyville, Oconto, Gandy, Arnold, Merna and Anselmo where there are no doctors, no medical facilities.

While numerous other towns in outstate rural Nebraska beg and offer juicy enticements in vain attempts to lure a doctor, Callaway considers itself lucky.

Citizens want to bet they have one of the best in Dr. M. L. (Mike) Chaloupka, 43, former Air Force flight surgeon and 1947 graduate of the University of Nebraska College of Medicine.

Doc Mike, a 1942 Cornhusker guard and tackle, is the South Omaha boy who wanted to be a big city specialist. But in 1948 he came out to fill in so the town's old country doctor could take his first vacation in years.

He fell in love with the ranch country and a local gal. He stayed, got married and forgot his dream of specialization to be a country doctor.

GOOD DESK POUNDER

Mike, a giant of a man who can still curl press 240 pounds above his head, fit in nicely. He became the town's most vociferous promoter, pounding desk tops down in Lincoln until Callaway lost the dubious distinction of being the largest town in the state without an all-weather road access.

He ranches on the side, raising Beefmasters. His pride is his clinic, the hospital, the new pickup truck loaded down with cement blocks in the back end to get anywhere on muddy roads and Sand Hills trails and, most important, his patients.

He tends to the needs of an average of 40 patients a day at the clinic, half of them older than 60. Last week all but one bed in the hospital was taken.

Surgeons and other members of the hospital consulting staff come from as far away as Kearney to perform major surgery.

But last week Callaway's citizens learned their hospital just isn't good enough for Medicare.

The announcement came formally in a letter from J. R. Nordstrom, administrator of the Medicare Division, State Department of Health:

"Your hospital was found not to be in substantial compliance with certain statutory Medicare requirements for certification."

The report was received with mixed emotions—anger, bitterness, disappointment and, in some cases, relief.

* * *

MUST GO TO CITY

Disappointed are the large number of over-65 patients who, if they wish Medicare hospitalization, must now leave the home area for hospitals in larger cities.

It is obvious, since several other rural Nebraska hospitals likewise do not meet statutory Medicare requirements, this will place an additional patient burden on urban medical centers.

Doc Mike, who had been up at 4 a.m. to deliver a baby and had already seen 24 patients before noon, snorted last week when asked what effect the non-certification would have.

"It is taking away the right of old people for their choice of hospitals. I think Medicare is a typical example of poor legislation. Congressmen were thinking only of the big cities. They did not take into consideration the needs of small towns in the big open spaces. They forgot the general practitioner who must do everything in serving a large area.

"Nebraska is screaming for more and more general practitioners. But things like this do not make the job of a GP more enticing. In fact, it forces them out."

The doctor, who knows every one in the area on a first name basis, said he had intended to hire more help to make out the required forms for his patients.

"But if the hospital is not acceptable," he said, "I figure there is no need of going any further. I'm not making out the forms. I just don't have time. I'll just give Medicare patients a fee for service bill. They'll have to do it."

* * *

HOSPITAL GIGGED

Mr. Nordstrom's non-acceptance report on the hospital—made following an inspection by two women of his staff—specifically gigged the hospital for:

—Not having a registered nurse on duty 24 hours a day or with a licensed practical nurse on duty with a RN on call within 15 minutes.

—No satisfactory evidence of strict drug control such as cabinets regularly checked and under lock at all times.

—No adequate laboratory and X-ray in the hospital.

—No medical reference library in the hospital.

—No hospital utilization plan submitted.

Doc Mike, who has bucked blizzards and summer storms and made emergency operations in kitchens and on the open range in serving his patients, gave these rebuttals.

"We have one registered nurse on the staff. There are four in town and this town isn't that big you can't get anywhere in five minutes. We have one licensed practical nurse and eight other practical nurses. Their average service is 10 years. I'll stack them up against anybody in emergencies.

SAFE STOCKED, LOCKED

"We keep all narcotics and drugs locked in a safe except possibly a bottle we are using at the time and that's kept in a drawer. The town pharmacist (the only one) keeps the safe stocked and cataloged.

"No X-ray and laboratory! We have a portable X-ray at the hospital. Just one hundred feet away in the clinic we have a modern 100 MA X-ray and an adequate laboratory. I see no sense in expensive duplication. And I guarantee you my patients are a heckuva lot closer to the X-ray and laboratory a hundred feet away than they are in most of those big, umpteen story hospitals in Lincoln and Omaha.

"Medical reference library in the hospital? Why should we? I have a more than adequate library in my office across the street and, after all, I'm the only doctor."

Doc Mike understands a utilization plan to include a board of three doctors on a hospital staff who review the cases of patients in the hospital more than 10 days on the need for them to remain longer. The objective is bed utilization. One of the problems in a modern hospital are patients, able to pay, remaining after real needs.

"Again I'm the only doctor," Doc Mike said. "I know them all personally and darn well know if they should be in or out. I don't need a board to tell them."

Members of the hospital board were irked that their hospital—a Godsend in saving lives and meeting area needs—flunked Medicare.

OPERATES IN BLACK

They pointed with pride to the fact the hospital has never once operated in the red despite the fact fees are well below average levels. A private room is still but 14 dollars.

Board Chairman Leland Jorgensen, a retired well driller, said the board has made no decision on a possible appeal.

"We figured since the majority of our patients are over 60 that it was our duty to apply so our old folks could be taken care of at home instead of having to go somewhere else.

"No, I'm not surprised we were not accepted. Personally, after being at a meeting at North Platte on all the paperwork and red tape required, I feel we might be better off not getting into it.

"One of the requirements would be that we weigh our dirty laundry and figure the cost per pound on laundry operation. Gosh, out here we just get it washed and clean.

"Things like that would require a fulltime bookkeeper. Boy! would she be busy. I'm convinced it's all just a bunch of malarky and a big step toward socialized medicine."

Of lingering concern to Doc Mike and Chairman Jorgensen is the disappointment of the old patients who now must leave town for Medicare hospitalization.

"An old couple were in this morning," Doc Mike said. "She may need some hospitalization. They both wanted me to promise I'd still be her doctor and anything that had to be done, I'd be there. So what do I do?"

DEFENSE DEPARTMENT TIGHTENS ITS PROCEDURES TO PREVENT FURTHER TRADING WITH COMMUNIST FIRMS

Mr. GRUENING. Mr. President, I would like to report on the actions taken recently by the Department of Defense to discontinue purchases from Communist firms and to assure that it will not be doing business with Communist firms in the future. These actions were taken as a result of my bringing to the attention of the Secretary of Defense the fact that the military services were buying supplies from Communist firms in Hong Kong.

During my visit to the Far East in March 1966, I attempted to obtain information on the procedures being used by the military services to insure that no dealings involving the purchase or sale of equipment would be undertaken with Communist Chinese firms or agents in violation of the Trading With the Enemy Act. While on a trip to Hong Kong to investigate the problem, a member of my staff learned that the U.S. Navy had been making substantial purchases of electronic and other equipment from two firms which were controlled or affiliated with Communist China. Navy procurement officials were unaware of this situation because the firms in question were subcontractors of a Hong Kong firm with which the Navy had the prime contract. This prime contractor had been cleared by the U.S. Consulate in Hong Kong.

This situation—indicative of a failure of responsible officials to take adequate steps to examine closely the sources of

U.S. procurements—naturally raised grave doubts as to the adequacy of existing procedures and interagency coordination. It seemed all the more serious in view of the fact that military procurements other than those by the Navy Procurement Office in Hong Kong were taking place without coordination with the U.S. Consulate and without its knowledge. For example, the Raymond-Morrison-Knudsen firm, acting under contract with the U.S. Navy, had made extensive procurements in Hong Kong. My staff discovered that the Navy had obtained no information on the subcontractors involved in the procurement.

In a letter on April 21, I brought the situation to the attention of the Secretary of Defense, urging that all procurements in Hong Kong be reviewed immediately to insure full compliance with existing statutes. I suggested, in addition, that the Department of Defense might want to consider establishing a central procurement office in Hong Kong through which all military procurements would be channeled, and that the Secretaries of Defense, Treasury, and State establish uniform procedures for reviewing U.S. Government procurements to avoid violations of the Trading With the Enemy Act.

I received a reply on the 11th of this month from the Assistant Secretary of Defense, Mr. Paul Ignatius, who informed me that such a central procurement office as I suggested was being established in Hong Kong. Henceforth, the Navy purchasing branch will be the single procurement agency for all military departments in Hong Kong, with all contracts and subcontracts to be cleared with that agency and through that agency with the consul general in Hong Kong. Mr. Ignatius assured me that until the establishment of the new agency in the near future, the Defense, State, and Treasury officials there have been alerted to take extra precautions to assure effective screening. The two Communist distributors I cited have been eliminated from further consideration.

Hopefully, the steps taken thus far will go a long way in preventing further procurements from Communist sources in the Hong Kong area. However, further investigation by the Defense Department has yet to be undertaken with regard to Raymond-Morrison-Knudsen, which has contracted to do construction with the U.S. Navy in Vietnam, and which seems to have had substantial dealings with Communist firms. Mr. Ignatius did not comment on this aspect of the situation in his June 11 letter. I have written the Department of Defense requesting an investigation of the Raymond-Morrison-Knudsen purchases. I have also suggested that the Defense Department consider revising the Armed Services Procurement Regulations—ASPR—as an additional step to guard against Defense Department dealings with Communist firms. The present regulations prohibit only the procurement of supplies originating with the Communists, as in China. A clear prohibition in the ASPR of procurement from Communist firms regardless of the origin of the supplies would be, I believe, a needed strengthening of the Department's procedures to insure full compliance with applicable legislation.

The prompt action that has thus far been taken by the Defense Department to tighten existing procedures has been gratifying. More has yet to be done, and it is to be hoped that the agencies involved will show continued vigilance that the law be upheld.

I ask unanimous consent that my letter to the Department of Defense and the reply be included in the RECORD.

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

APRIL 21, 1966.

Hon. ROBERT S. MCNAMARA,
Secretary of Defense,
The Pentagon, Washington, D.C.

DEAR SECRETARY MCNAMARA: During my visit to the Far East last month in connection with the current inquiry of the Subcommittee on Foreign Aid Expenditures into property disposal programs, I attempted to obtain information on the procedures being used by the military services to ensure that no dealings involving the purchase or sale of equipment would be undertaken with communist Chinese firms or agents in violation of the Trading With the Enemy Act.

In order to have as complete a story as possible on this matter I sent the Subcommittee Staff Director to Hong Kong to review the procedures employed to insure that surplus property disposals were not made to communist China.

During the course of his visit, he learned that the United States Navy, which operates a procurement office in Hong Kong, had been making substantial purchases of electronic and other equipment from two firms which were owned or controlled or otherwise affiliated with communist China. These firms had been involved in the diversion of items purchased from the United States to communist China and had been listed as "Designated Nationals" by the United States Department of the Treasury under the Foreign Assets Control Act.

Navy procurement officials were unaware of this situation because the firms in question were subcontractors to a Hong Kong firm with whom the Navy had the prime contract. Since the prime contractor had been cleared by the U.S. Consulate and since the Navy procurement officials were unaware that the electronic and other items were in fact being furnished by subcontractors, procurements continued until this matter was brought to the attention of consulate officials by the Subcommittee Staff Director.

As I understand it, the procedures for assuring compliance with the Trading With the Enemy Act differed substantially insofar as the U.S. Consulate was concerned for those procurements involving the Agency for International Development and those procurements involving the Department of Defense.

In the case of the Agency for International Development an economic officer of the Consulate has been making extensive checks of procurements involving sub-contractors as well as prime contractors. These checks have involved reference to all information available at the Consulate comprising material developed by a number of United States agencies.

On the other hand checks of military procurements have been made by a foreign assets control officer, who as a representative of the Treasury Department is stationed in Hong Kong. Such checks involved prime contractors *only* and were performed by checking the list of contractors submitted every few months by the Navy Procurement Office against the Economic Defense List, a Department of Commerce publication containing the names of ineligible firms. However, these checks were made *after* the procurements had been made.

I have been advised that since this situation has come to light a number of meetings have been held in Hong Kong among consulate, Treasury and Defense officials and efforts are being made to discontinue procurements from the debarred sub-contractors.

However, my concern now is that the situation disclosed may be more widespread in view of the failure of responsible officials to examine more closely into the source of U.S. procurements and in view of the obvious inadequacies of existing procedures and interagency coordination.

The seriousness of this situation is also heightened by indications that military procurements, other than those of the Navy Procurement Office in Hong Kong, are taking place without coordination with the U.S. Consulate and without its knowledge. For example, Raymond-Morrison-Knudsen, acting under contract with the U.S. Navy, has made extensive procurements in Hong Kong. A review of the pertinent contract files in Saigon by my staff director disclosed that the Navy had obtained no information on the sub-contractors involved in the procurement. Discussions with consulate personnel indicated that no clearance had been obtained for these firms from the Consulate.

In light of the foregoing, it is imperative that all procurements in Hong Kong be reviewed immediately including procurements from lower tier suppliers, to ensure full compliance with existing statutes. In this connection the Department of Defense may want to consider establishing a central procurement office in Hong Kong through which all military procurements would be channeled. I also suggest that the Secretaries of Defense, Treasury and State establish uniform procedures for reviewing U.S. Government procurements to avoid violations of the Trading With the Enemy Act. Procedures should be developed for requiring all government agencies procuring items abroad to submit the names of contractors and sub-contractors for review by foreign assets control officers of the Treasury *before* contracts are awarded.

I would appreciate your informing me of the actions you take to correct the serious deficiencies in procedure. Copies of this letter are also being sent to the Secretary of State and the Secretary of the Treasury.

With best wishes, I remain

Cordially yours,

ERNEST GRUENING,
U.S. Senate.

JUNE 11, 1966.

Hon. ERNEST GRUENING,
U.S. Senate,
Washington, D.C.

DEAR SENATOR GRUENING: In accordance with our letter to you of 28 April 1966, we are pleased to furnish you this report on our review of defense procurement in Hong Kong.

In your letter of 21 April 1966 to Secretary McNamara, you expressed concern with the possibility that the Trading With the Enemy Act was being contravened as the result of inadequate screening of Hong Kong purchases, especially in the subcontract area. You noted that after the situation that you discussed in your letter had become known, steps were taken by Defense, Treasury and Consulate officials in Hong Kong with a view to discontinuing procurement from ineligible subcontractors. Based, however, on the information you had received, you were concerned that the problem might be more widespread.

Following receipt of your letter, and after conferring with the State Department and Treasury, we initiated an inquiry through CINCPAC Headquarters into the questions that you had raised. The investigation has now been completed, and we are pleased to report that the results indicate that existing procedures have on the whole been effective in assuring compliance both with the

Trading With the Enemy Act and with the implementing regulations.

The following are the specific findings made by CINCPAC:

(1) The provisions of the Armed Services Procurement Regulation Section VI, Part 4, have been effectively implemented. Contracts placed by the Army, Navy and Air Force have consistently included the clause set forth in ASPR 6-403 prohibiting the acquisition of supplies (a) originating in Communist China or (b) transported from or through Hong Kong. The clause contains a flow-down provision to make it applicable to subcontracts of all tiers.

(2) Each of the military departments has established procedures to assure that the cognizant contracting officers are alerted to procurements placed in Hong Kong, including subcontracts, and that non-eligible lists are thoroughly screened before the procurements are approved. Review of recent procurements in Hong Kong establishes that there has been compliance with these procedures.

(3) Additional steps are being taken to achieve even tighter control. Consideration has been under way of establishing a central procurement office, such as you suggested in your letter, through which all military procurements would be channeled in Hong Kong. CINCPAC has prepared an instruction designating the Navy Purchasing Branch as the single procurement agency for all military departments in Hong Kong and requiring that all contracts and subcontracts be cleared with that agency (and through that agency with the Consul General in Hong Kong). We anticipate that final action on this instruction will be taken in the very near future.

(4) In the meantime, pending establishment of a central procurement office, officials on the scene representing Defense, State and Treasury have been alerted to take extra precautions to assure effective screening, especially with respect to subcontracts. The three Departments are working closely together to assure the screening procedures are operating as effectively as possible.

With specific reference to the electronic procurement discussed in your letter, CINCPAC advises that this equipment was of Japanese and not Chinese origin, so there was no violation of the prohibition against supplies originating in Communist China. In addition, our investigation led to questions about two of the distributors involved, and action was taken to eliminate them from any further consideration.

We believe that the steps that have been taken to tighten existing procedures will provide additional assurances of compliance with the Act and the regulations.

We wish again to express our appreciation for your bringing this matter to our attention.

Sincerely,

PAUL R. IGNATIUS,
Assistant Secretary of Defense (Installations and Logistics).

JUNE 16, 1966.

Mr. PAUL R. IGNATIUS,
Assistant Secretary of Defense,
Installations and Logistics,
Department of Defense,
The Pentagon,
Washington, D.C.

DEAR MR. IGNATIUS: The prompt action you have taken, as indicated by your letter of June 11, 1966, to tighten up on the Department of Defense procedures to ensure compliance with the Trading With the Enemy Act, is deeply gratifying. The establishment of a central procurement agency in Hong Kong for all military departments, as suggested in my letter of April 21, 1966, and the establishment of a requirement that all contracts and subcontracts be cleared with that agency and through that agency with the Consul General in Hong Kong, should go a long way in preventing any procurement from Communist sources in that area.

You also indicate that you have taken action to eliminate the two Communist distributors referred to in my April 21, 1966, letter from further procurements.

You may want to consider, however, revising the Armed Services Procurement Regulations (ASPR) as an additional step which should be taken to prevent any Department of Defense dealings with Communist firms. As you indicated in your letter, contracts placed by the Army, Navy and Air Force have included the clause set forth in ASPR 6-403 prohibiting the acquisition of supplies originating in Communist China or transported from or through Hong Kong. However, the ASPR make no provision for prohibiting acquisition from Communist firms of supplies which do not originate in Communist China. Thus the electronic equipment procurement I wrote you about which was of Japanese origin did not violate technically the provisions of ASPR even though it was sold to the Department of Defense by Communist firms. Your elimination of these firms from further procurement is fitting and proper even though this situation is not covered by the ASPR. A clear prohibition in the ASPR of procurement from Communist firms regardless of the origin of the supplies would be, I believe, a worthwhile strengthening of the Department's procedures to ensure full compliance with applicable legislation.

My letter of April 21, 1966, also referred to procurements in Hong Kong by Raymond-Morrison-Knudsen under contract with the Navy. Information I have received from the Consul General in Hong Kong indicates the strong likelihood that RMK has made substantial purchases of barges from Communist firms in Hong Kong. There is the possibility, of course, that some of the material which went into the construction of these barges originated in Communist China.

Since your letter of June 11, 1966, did not comment on the RMK procurement, I would appreciate your investigating this matter to determine whether any violation of the law or of the ASPR has occurred and, if it has, the action you propose to take.

With all best wishes, I am,

Cordially yours,

ERNEST GRUENING,
U.S. Senator.

A WORLD FOOD POLICY

Mr. McGOVERN. Mr. President, the International Federation of Agricultural Producers, which is an organization composed of 33 private farm organizations in 23 countries, held its 15th General Conference in May in London and adopted what it has designated as its "London resolution" on world economic development and world food policy.

The resolution, Mr. President, reflects the great humanitarianism typical of farmers everywhere in the world, combined with a realistic grasp of the social and economic facts of life. The result is an outline of the basic principles and concepts of a practical international policy on food.

I believe the Members of the Senate will be interested in the resolution for it reflects a growing consensus on the sort of war against want which I proposed in the International Food and Nutrition Act a year ago, and is now embodied in the food-for-freedom bill pending before the Senate Agriculture Committee.

The international farm organization recognizes the basic necessity of agricultural development and self-help in the developing nations. It recognizes a joint responsibility of all surplus producing nations to provide interim help to the developing countries. It recognizes that our assistance must be given so as to retain production incentives in the receiving countries and avoid undue interference with normal trade. It is in every respect on "all fours" with the basic policy provisions in the food-for-freedom bill we are considering.

Participating in the Conference were farm organization delegates from Australia, Belgium, Canada, Finland, France, Germany, India, Ireland, Israel, Japan, Luxembourg, Morocco, Netherlands, New Zealand, Nigeria, Norway, South Africa, Sweden, Switzerland, Tunisia, the United Kingdom, and the United States.

To identify the group further, I will mention that Herschel Newsom, master of the National Grange of the United States, has just retired after two terms as President. He was succeeded by Mr. Eric McCallum, president of the Federated Farmers of New Zealand. Former presidents of the IFAP include both James G. Patton and Allen Klein, of the United States.

I ask unanimous consent, Mr. President, that the IFAP's London resolution appear in the RECORD.

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

IFAP'S LONDON RESOLUTION—1966

1. World economic development and the welfare of mankind demand an international food and farm policy. Meeting fundamental food needs everywhere, assuring adequate living standards to food and fibre producers everywhere, securing a beneficial flow of agricultural trade among all countries, are the joint responsibility of developed and developing countries, importing as well as exporting. The achievement of these objectives requires a better allocation of resources between agricultural and industrial development and a better balance in the development of human society between economic and social goals such as adequate education and training for those internal areas who have too long remained underprivileged.

2. An international policy on food, agriculture and agricultural trade must therefore receive increasing recognition as one of the essentials of a global policy of accelerated economic development and expanding international trade. To realize successfully such a policy, an important fact to be dealt with is that national farm policies are necessary to protect the farmer from the consequences of the natural and economic hazards of his calling. This imposes limits to international competition in national markets and thus restricts the scope for regional specialization; but it is evident that national farm policies must have regard for the interests of producers and consumers in other countries. This in turn imposes certain limits upon national action in order to make possible the necessary international understanding.

3. For those commodities entering world trade for which there is need for international co-operation such reconciliation of policies can best be achieved by the establishment of international commodity councils or the negotiation of international commodity agreements and arrangements; and by the expansion of food aid programs in the framework of development plans throughout the world. In no circumstance should the world revert to an economy of scarcity under the specious pretence that this is the sound road to equilibrium.

4. Production and distribution policies for agricultural products should take the following principles into account:

a) Expanding and diversifying food production in the developing countries lays an indispensable foundation for their economic and social progress. Such expansion and diversification must inevitably be the main lasting means of meeting additional food needs, including dietary improvements. This expansion in turn urgently demands stepped-up economic and technical assistance and a reconsideration of current policies and investment priorities in many countries.

b) However, for some time to come, the food producing capacity of developed countries will remain essential to help fill food needs in less developed areas. The wealth of industrialized nations must be mobilized to export that needed production; to finance the necessary movements and distribution; and to establish and maintain adequate carry-over and emergency reserves.

c) These efforts to improve nutritional levels must be on a permanent basis. Occasional surpluses may of course be used but planned provision must be made for continuity of supply. Conversely, it would be irresponsible to expand the output of developed countries in the absence of adequate financing and distribution facilities.

d) The success of the programs carried out from surpluses now in existence is proof that needed aid supplies could be moved and absorbed on an expanded scale without harm to national food production in the receiving countries and without undue interference with normal trade. But large-scale financing and planning are essential; developed and developing countries must strengthen their joint efforts to create and improve the facilities of transport, distribution, storage and administration essential to increasing the capacity of receiving countries to absorb and use food aid efficiently.

e) Financial responsibility for the efforts outlined in the foregoing paragraphs must be shared fairly among the developed nations. All national and international programs must be co-ordinated among contributing countries and within recipient countries.

f) Though the developing nations will need to increase their own production of food required for domestic consumption, other agricultural products which are likely to find markets at reasonably remunerative prices on a long-term basis must receive proper emphasis. Export proceeds or import savings secured from the sale of these products can inter alia be used to improve the nutritional standards of the population. The possible alternative uses of agricultural resources and investment should therefore be carefully examined. All countries should help expand outlets for developing countries, exports, whether of agricultural or non-agricultural products.

g) Nations should work together to maintain a balance between supply and total demand for food represented by the sum of commercial demand, essential reserves and food aid programs.

h) International arrangements should aim at reasonably stable prices eliminating excessive short-term fluctuations and securing a balance between the need of producers for fair remuneration and the need to adjust world production to basic trends in commercial as well as realizable non-commercial demand.

i) In order to achieve these ends, governments must go beyond the adoption of internationally-agreed objectives for such matters as carry-over stocks, trade flows and prices. They must, in addition, ensure that domestic farm policies are consistent with these objectives.

THE AID PROGRAM IN CHILE

Mr. MORSE. Mr. President, I want to call to the attention of the Congress the report on the aid program in Chile that will be released tomorrow by the Government Operations Subcommittee on foreign aid expenditures.

We are fortunate that the results of the comprehensive inquiry made by Senator GRUENING into our program in Chile will be available before the House and Senate act on current foreign aid legislation. The American people owe a debt of gratitude to Senator GRUENING for the way in which he has provided a case study of one country that tells much of what is wrong with our aid all over the world.

I ask unanimous consent to have printed in the RECORD the letter I have sent to my colleague about his report.

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

JUNE 17, 1966.

Hon. ERNEST GRUENING,
U.S. Senate,
Washington, D.C.

DEAR ERNEST: Your report on the aid program in Chile is superb. It goes to the heart of the whole issue of how useful our bilateral economic assistance is in so-called developing nations. I know that if your report could be read by every member of Congress in the next month, we would get the first meaningful revision of the entire program.

I am particularly impressed with the way in which you dealt with foreign aid in both its specifics and its generalities. You have heard as often as I the defense of the program which holds that a few minor and isolated examples can be produced to discredit the whole program, but that a few minor and isolated instances of waste or mismanagement must be expected in so vast an undertaking.

What you have done is to demonstrate that by the time all the instances of futility and waste are added up in one country which is pointed out as a showcase for aid to Latin America, at least half of the financial effort we have made to help Chile must be considered as written off.

I am also impressed with the way you have brought out the most basic issue of all—are emerging countries like Chile really ready to make the changes in their social and economic structures they must make if they are to emerge into industrial society? Or do they regard our financial help as a subsidy to their old, inefficient, semi-feudal ways of doing things? The worst fallacy of all that is growing up around foreign aid is the idea that industrial nations owe some fixed percentage of their wealth to the undeveloped nations as a matter of honor or obligation of some kind. Nothing is being said of the obligation of undeveloped countries, which must come first. It is the obligation to use outside financial help as effectively as possible, and as only one of many tools. Chile may well be among the countries most ready and able to undertake basic changes, but even so, you have shown that a great deal of our money is foisted on them for purposes and projects in which their governments and people have no interest and which they merely tolerate because the United States wants them to have it.

Money spent in that way is a shocking and inexcusable waste of the substance of the American people.

I salute your diligence in inquiring into the Chilean aid program and your skill in presenting your findings so lucidly. I only regret that Congress seems unwilling or unable to provide the same review of our aid in each recipient country.

With best regards,
Sincerely,

WAYNE MORSE.

TRUTH IN LENDING: BANKER URGES THAT BORROWERS BE TOLD SIMPLE ANNUAL RATE

Mr. DOUGLAS. Mr. President, as Senators know, the basic principle of my truth-in-lending bill is that borrowers and buyers be told the cost of credit, not only in dollars, but expressed as an annual rate on the outstanding, unpaid balance.

It is only when the cost of credit is stated per unit—just as the price of milk is stated per quart and gasoline per gallon—that the consumer can shop for the best credit buy. The commonly understood unit price of credit is the annual rate. When the consumer puts his savings in a bank or savings association, he is told the earnings it will bring in terms of an annual rate. When the businessman loans or sells to the consumer on the installment plan, he starts with the rate he wants to earn in order to compute the customer's periodic payments.

But, when the consumer asks about the cost of credit when he borrows or buys on time, he is all too often denied a statement of the annual rate. Without knowing the annual rate, he cannot compare various credit offerings to determine the best buy. He is put in the proverbial quandary of trying to multiply apples by oranges. I have always believed that ethical elements of the finance industry agree in private that the consumer has a right to know the annual rate, but I am aware that some lenders and sellers fear disclosure of the annual rate because their rates would not stand up under competition in a free market.

It is therefore very gratifying to see the report, in the New York Times of June 24, of the statement made to the press by Mr. Philip W. Smith at the Spring Lake, N.J., meeting of the New York Bankers Association. Mr. Smith, a vice president of the Chase Manhattan Bank and chairman of the installment credit division of the New York Bankers Association, reportedly proposed at a press conference that lenders be required to state, in terms of a simple annual interest rate, the maximum cost of a consumer loan.

This is precisely what I have been urging since I first introduced the truth-in-lending bill in 1960. Opponents of the bill have continued to spread the false charge that my bill would be "unworkable" because it allegedly would require the computation of an exact rate. The article I have mentioned, in fact, makes such an incorrect allegation. All I seek, however, is that the cost of credit be stated approximately, that is, within a percentage point or two depending on the circumstances. Of course, such a statement should be on the upper, rather than lower, side; that is, on the "maximum" side, to use Mr. Smith's word.

The many sponsors of truth-in-lending bills in the Congress, and the millions of voters who favor such legislation, can perhaps take heart that responsible banking officials are beginning to state

publicly their support for disclosure of the annual rate.

Mr. President, I ask unanimous consent that the article to which I have referred by Mr. H. Erich Heinemann be printed in the RECORD.

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

RATE DATA URGED ON COST OF LOANS—BANKERS ASK STATEMENTS OF SIMPLE ANNUAL INTEREST

(By H. Erich Heinemann)

SPRING LAKE, N.J., June 23.—The New York State Bankers Association proposed today that lenders be required to state, in terms of a simple annual interest rate, the maximum cost of a consumer loan.

Speaking at a news conference here on the opening day of the association's 70th annual convention, Philip W. Smith, a vice president of the Chase Manhattan Bank and chairman of the installment credit division of the bankers' group, said that such a requirement would eliminate a key objection to the "truth-in-lending" legislation long sought by Senator PAUL DOUGLAS, Democrat of Illinois.

Last week, the Chase Manhattan initiated a general increase in rates on secured consumer installment loans at New York City banks.

The rates on such installment loans are typically stated on a "discount" basis, which means that the effective simple annual interest rate is approximately double the stated rate.

Thus, the 5¼ percent rate that the Chase Manhattan is now charging on automobile loans that include life insurance on the life of the borrower actually amounts to a charge of about 10½ percent.

FULL DISCLOSURE

Previously, the rate on such loans had been 4¾ percent discount, or 9½ percent simple interest.

Senator DOUGLAS's bill, which had been endorsed in principle by President Johnson, would compel lenders to state their charges in terms of an exact simple annual interest charge. Mr. Smith said this requirement would be unworkable—that banks and other lenders would not be able to comply with its provisions.

However, Mr. Smith said, "we are in favor of full disclosure."

Mr. Smith said that in knowing the maximum interest rate that his loan could entail, the consumer would be served by being informed of the approximate actual cost of credit.

At the same time, he said, the lender would be relieved of the perhaps impossible task of calculating exact simple annual interest rates for each consumer loan to be put on the books.

Mr. Smith suggested the estimate of maximum cost be shown on the note signed by the borrower.

No matter how carefully a lender calculated his charges, Mr. Smith explained, the results of his calculations would be thrown off unless the borrower repaid his loan exactly on schedule.

In estimating a maximum cost, Mr. Smith said lenders would presumably leave a margin for error and thus in some cases might slightly overstate the cost of credit.

Observers here at the bankers' meeting on the New Jersey seashore, thought it significant that Mr. Smith should have chosen to make his proposal—which was made on behalf of the State Bankers Association—only days after the first general rate increase on consumer installment loans in New York since 1959.

An officer of one of the Chase Manhattan's major competitors observed: "I'm surprised at Phil. I would not have thought that Senator DOUGLAS had enough support for his legislation to make it worthwhile putting forth a counter proposal."

On other subjects relating to consumer credit, Mr. Smith said that to his knowledge there were no plans afoot among New York City banks for any further increases in consumer lending rates.

He pointed out, however, that consumer lending rates in New York City were still below the 6 per cent discount rate that is the maximum permitted on such loans in New York State.

Thus, he said, there is room for a further increase if that should seem necessary.

TVA PAYMENTS TO THE TREASURY

Mr. GORE. Mr. President, TVA today paid $36.9 million to the U.S. Treasury, making a total of $58.9 million paid from electric power revenues in the fiscal year 1966, ending tonight.

Today's payment includes $21.9 million as the second half of TVA's annual return or dividend on the Government appropriations investment in the power system, plus a $15 million annual repayment on the appropriations investment. The first half dividend was paid last December.

The amount of the annual repayment is specified by law. The annual dividend is determined by applying the average interest rate payable by the Treasury on its marketable public obligations at the start of each fiscal year to the remaining appropriations investment.

Over the past 10 years TVA has paid more than $355 million into the U.S. Treasury. This is $63 million more than TVA received in Federal appropriations for its nonpower activities over the same period.

Today's payment brought total Treasury payments from TVA power revenues to about $559 million, consisting of $250.1 million of appropriation repayments, $243.5 million in dividends, and $65 million to redeem early bond issues. An additional $41.5 million has been paid the Treasury from TVA nonpower programs.

Thirteen years have passed since TVA last received Federal appropriations to begin new power production facilities. All TVA power installations begun since the mid-1950's have been financed with power revenues and through the sale of bonds and notes authorized by Congress in 1959 financing legislation. When the costs of these facilities are retired by revenue from operations, paid by TVA power consumers, the facilities, debt free, will still be valuable revenue producing properties.

The 1959 schedule provided for TVA to repay $10 million a year through fiscal 1965, then $15 million a year beginning this year through 1970, and $20 million a year until it has repaid a billion dollars of the $1.2 billion net Treasury investment in power assets when the 1959 law was passed.

The total paid by TVA to the Treasury under the schedule provided in the 1959 legislation is now about $309 million. Prior to this act, TVA had paid about $250 million from power earnings.

NELSON ANALYSIS OF DAIRY SITUATION DESERVES ATTENTION

Mr. PROXMIRE. Mr. President, on June 10 Senator NELSON sent a memorandum to Secretary of Agriculture Freeman commenting on today's dairy income situation which deeply concerns both of us as representatives of the Nation's No. 1 dairy State.

Of course, I do not completely agree with all of the conclusions of this memorandum. However, it performs a most important function in outlining the very serious state of the dairy industry today as well as the need to take positive steps to correct the situation.

I am happy to say that Secretary Freeman recently took one big and vital step in the right direction. Yesterday he announced that the support price for dairy products would be pegged at $4.

In addition, the administration has come out in support of a permanent school milk program. This program utilizes up to 5 percent of the Nation's dairy production. As a result, dairy farmers have a greater demand for their products. With administration approval of the program in its present form, as well as action extending the program by the Senate Agriculture Committee yesterday, the goal I set out to achieve when I introduced a permanent school milk bill earlier this year is near accomplishment.

However, we are still faced with the problem of dwindling milk production due to inadequate dairy farm income. Senator NELSON makes an excellent point when he states in the memorandum that large corporate dairy farms may well be a detriment to efficient milk production. His memorandum to the Secretary urges a thorough study of the optimum size for dairy farm—indicating that the smaller, family-size dairy operation may well be the most efficient.

I hope that my colleagues in the Senate will take note of this suggestion together with the many others put forth in the memorandum. I ask unanimous consent that it be printed in the RECORD at this point.

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

MEMORANDUM TO SECRETARY FREEMAN FROM SENATOR NELSON ON DAIRY INCOME SITUATION

The following analysis of the long-term dairy problem in Wisconsin—including general background, summary of recent developments, and recommendations—is provided in connection with our recent discussions.

The material covered deals specifically with Wisconsin but applies generally to a much wider dairy area in the Midwest. It applies particularly to the manufacturing milk areas of Wisconsin, Minnesota and Iowa.

BACKGROUND

Discontent among Wisconsin dairy farmers, a serious problem since 1952, became much more noticeable early in 1965.

The issue involves a long-term cost-price squeeze situation that long ago eliminated most of the inefficient and under-capitalized producers. It is directly related to a drop in dairy prices several years ago to the range of 75–80 percent of parity, a level that still continues.

The buildup of discontent the past 12 months is reflected in heavy culling of dairy herds, an unusual number of dairy farm auctions and large scale herd selloffs, and a sharp drop in milk production.

Approval of an access-limiting amendment to the Chicago Milk Order early in 1965

added to dairy discontent. The enactment of the Class I base-excess plan by Congress last fall also is viewed by many dairy farmers as a possible long-range threat to Chicago market access.

But the issue of dairy discontent did not become widely recognized as anything unusual until the Department of Agriculture held emergency hearings in Chicago last October for a long list of Midwest milk orders. This put details of the area's growing milk shortage on the front pages.

Initial protests of discontented dairy farmers were rather general and they did not take an anti-Administration turn until the first of this year. That change began with announcements of (1) planned cuts in school milk and school lunch support, (2) renewed offers to purchase large amounts of oleomargarine, and (3) Budget Bureau pro-rating of school milk payments to the states.

Subsequently a series of government actions and announcements shook the confidence of dairy farmers, focused unusual attention on dairy policy problems in Wisconsin, and stepped up movement out of dairying throughout a wide area.

These included (1) a dairy support price considered much too low, (2) a proposal to boost Cheddar cheese imports, (3) an offer to buy butter at market prices which was not followed up with purchases, (4) an order discontinuing butter purchases by the Defense Department, (5) remarks in high places suggesting purchases of substitutes, (6) continued heavy purchasing of oleomargarine by the Department of Agriculture, (7) more and more discussion in government of use of "soybean milk" and "fish flour" as substitutes for dry milk overseas, and (8) a Commerce Department order putting export quotas on cattle hides.

Add to this the high prices paid ($18 to $20 a hundred) for dairy cow culls, poor quality feed in many areas, and a shortage of dependable labor that could be hired at wages dairy farmers could afford to pay.

It should be clear to anyone studying these lists why several thousand Wisconsin dairy farmers either switched out of dairying or quit the farm entirely in the last year.

CHARACTERISTICS OF THOSE LEAVING

Department of Agriculture administrators have a tendency to assume those leaving dairying in Wisconsin are so-called "inefficient" producers who are under-capitalized, have little management skills, and maintain herds that are "too small."

First, a strong case can be made for the argument that none but the most efficient could remain among the survivors in dairying after 14 years of low prices and steadily rising production costs.

Second, an analysis of auction sale bills of the last few months shows hundreds of large dairy herds (40 milk cows or more) from well-equipped farms were liquidated.

And third, a recent study shows two thirds of the farmers leaving dairying in Wisconsin are being driven out because of economic reasons.

The Wisconsin Department of Agriculture recently completed a study of characteristics of Wisconsin dairy farmers who disposed of dairy herds during the last year or so. This study, which had a high return (4,026 of 7,213) of direct mail questionnaires, also asked these farmers their reasons for quitting.

It is significant that nearly two-thirds of those who quit dairying did so for what can be broadly classed as economic reasons. (Nearly one-third cited such personal reasons as advanced age, ill health or handicap, or retirement).

Although only one-fifth listed "low income from dairy enterprise" as their specific reason for quitting, it seems apparent that in most of the cases in which other economic factors were cited, such other factors could have been overcome if more adequate income had been available from the dairy enterprise.

It also is significant that farmers who quit dairying for economic reasons were close to the average for the state in acres in farms, milk cows in herds, age of operator, and similar characteristics.

It also is significant that operators under 45 cited specific economic reasons (including "low income from dairy enterprise" cited by 30% and "cost to expand or modernize" cited by 22%) more than half the time. This shows younger men—who have more nondairy alternatives—are switching from dairying much faster than those over 45, suggesting even more serious problems over the long pull.

In conclusion, it is clear that economic pressures based generally on inadequate income from the dairy enterprise were responsible for decisions of about two-thirds of the 7,231 farmers who quit dairying during the 16-month period covered by the study.

PSYCHOLOGICAL FACTORS

Although the chronic problem of low income for dairy farmers is the immediate short-term problem involved here, it may be that the most important problem from the Department of Agriculture's point of view is psychological.

It involves the gradual eroding of confidence in long-term dairy income prospects and the feeling that government will stand by while dairy farmers are driven out by low income, manufactured dairy products are phased out of both domestic and foreign programs, and dairy substitutes are given a more important place in long-range plans for overseas feeding programs.

This outlook dissuades younger men from going deeply into debt (at least $25,000 to $50,000) in beginning careers in dairy farm operation. It dissuades older men from investing heavily from expansion or modernization. And it make rural bankers cautious in financing expansion and modernization necessary to improve profit prospects of dairy operations.

We have had more than five years of unprecedented economic growth and prosperity, yet dairy farmers have not shared in this better income. This adds to the frustration of dairy farm families, especially those with children to be educated.

There are also the usual number of prophets of gloom and doom in rural areas, both in the dairy industry and in politics, and this adds to the problem now.

One disturbing aspect of the large number of farm herd dispersals is that many of these dairy enterprises are neither being sold as units nor being passed from father to son or son-in-law (a general pattern in Wisconsin in the past). Fine herds built in family enterprises over many years are being liquidated because the young people see no future in dairying.

This trend indicates a general lack of confidence in long-term dairy income prospects strong enough to overcome the family pride and association connected with owning and operating such an enterprise in a rural area.

SUPPLIES OF MILK AND PROSPECTS

One of the recent figures most disturbing to dairy leaders is connected with foreign trade. It notes that imports of both quota and non-quota dairy products are expected to be substantially larger this year while exports are falling because of low exportable supplies.

This is especially serious because of expectations of growth of commerical dairy outlets overseas and of the P.L. 480 program in the next few years.

The United States, the Department of Agriculture noted in disclosing this outlook, is likely to be a net importer of dairy products on a milk equivalent basis for the first time since 1939. This hardly inspires confidence in long-term dairy income prospects.

One problem, of course, is that first quarter 1966 milk production fell 5.2 percent from a year earlier, continuing the alarming and unexpected trend begun a year earlier. If this continues, supplies will tighten to the point where export possibilities overseas will be lost and consumer prices (because of inelasticity of fluid milk) will go up and up.

Nothing that the Department of Agriculture has done so far seems to be easing this milk shortage situation.

Early indications from dairy leaders in Wisconsin are that, despite the support price increase to $3.50 on April 1, the normal spring production peak expected the last week in May simply did not materialize. The flush period was not flush.

Although the Department of Agriculture has access to the best current figures, it appears to those outside that this price support increase falls far short of producing the production increase the Administration hoped for.

The Department continues to blame heavier culling of milk cows in response to higher beef prices and low gains in output per cow for the production falloff. It does not seem to recognize, officially at least, the psychological climate, the restlessness, and the income problems discussed above.

The overall 5.2 percent production figure also is misleading in considering the problems of dairying in the major manufacturing milk areas of the Midwest. Production in the Southeast and some other scattered areas with access to top Class I markets is either up or holding its own. Yet these areas are included in computing this 5.2 percent figure.

The point is that the production drop in the Midwest is *even more* than 5.2 percent, a figure that reflects much more than higher beef prices and low gains in output per cow.

MAJOR ISSUES INVOLVED

The major issues involved, from the point of view of a Midwesterner, is (1) the future of the family dairy farm, (2) the future of the vast reservoir of low-cost "extra" milk that is available in the manufacturing milk areas of Wisconsin, Minnesota and Iowa, (3) the relationship between income possibilities for higher-cost "close-in" producers vs. those for lower-cost "far-out" producers in major milksheds, and (4) whether dairy farmers will produce milk for domestic requirements only or whether they will be encouraged to produce for new international peaceful and/or military needs.

Our dairy policy seems to reflect the view, incorrect in my judgment, that the bigger and more modern the dairy farm the better. This view should be challenged on grounds that (1) a dairy farm that gets too big for family operation assumes new and often difficult labor problems and (2) a dairy farm that is too big needs capital that often creates a debt load too great for a normal farm family to carry.

The Department of Agriculture, in my opinion, should attempt to determine what size herd and what investment a "family size" dairy farm should involve and then come up with a program that will permit that family operation to receive a fair income on its labor and investment.

There are some elements of this problem that most economists do not readily grasp.

Dairying, more than any other type of farm enterprise, involves the highly-skilled and careful management of animal husbandry. This is something that is not measured by statistics or apparent to the casual non-farm observer.

But it is true that not everyone can be a successful dairy farmer, not because of lack of capital or size of herd, but because of lack of commitment to manage or care for a dairy herd. The "contented cow" is an absolute necessity in a successful dairy operation.

Dairy herds need daily observation for disease or feeding problems. They require highly regularized milking procedures. And they require sanitation, feeding, veterinarian and breeding skills.

A high labor input also is required on a 7-day-a-week basis.

The stories of inexperienced hired men who ruin production of a dairy herd in a few days time are widespread in dairy areas. For this reason, any good dairy farmer is reluctant to have workers other than members of his immediate family care for his herd. And for this reason, among many others, the farm family is uniquely suited to dairy farm management.

It is likely that the herd of 30–50 milk cows is the size herd that the normal farm family, with its great labor resource, can best handle and finance. Even a herd of this size can represent an investment of as much as $100,000, a figure that eliminates most of the unskilled and under-financed at the outset.

The search for bigness and so-called "efficiency" in dairy farming is of low priority, in my view, and the Department of Agriculture would contribute more to the wise use of national resources by fostering the "efficient family dairy farm" concept.

Regarding the vast amounts of low-cost milk available since the early days of World War II in the manufacturing milk areas of Wisconsin, Minnesota and Iowa, it would seem to be in the national interest to do what is necessary to maintain this "reserve" to meet both shortages and unforeseen future needs. These three states produce milk at lower cost than any other area in the country.

This area supports both thousands of dairy farms and a highly-developed dairy industry mainly built around strong cooperatives. This is a resource that, needless to say, cannot be diverted easily to other uses.

This area is looked upon by some of the major markets in the mid-section of the country as the place where handlers can always go to meet temporary shortages. Fluid milk has been shipped into Texas, Oklahoma and Arkansas in large quantities in recent years. This milk also is available at all times to Chicago and the other major Midwest markets.

One problem is that the markets drawing on this milk (with the exception of Chicago) assume no financial responsibility for keeping the reservoir available and look to manufacturing uses to carry this burden. Manufacturing uses, as is seen from previous data, no longer command prices that provide the income or long-term income prospects to do this job.

Regarding price relationships, the Department of Agriculture in recent years has tended to increase prices for Class I milk in major markets more than it has increased manufacturing milk prices through the price support mechanism. This tends to stimulate production in "close-in" but comparatively high-cost areas and discourages production in "far-out" but low-cost areas. This does not appear to be a wise use of national resources.

This problem must be viewed in terms of long-range developments because a herd of milk cows cannot be turned off and on in the same way as annual cropping in other commodity areas.

It is extremely difficult, for example, to increase milk production quickly. Farmers who liquidate dairy herds normally sell off the bulk tanks, milking machines and other expensive equipment needed in dairying. Dairy manufacturing plants in an area of declining production eventually are forced to phase out operations. Farmers invest in beef or other enterprises, making switches back into dairying difficult. And the building of a high-producing herd is not something that happens in a year or two. It is something that takes several years, even with artificial insemination.

RECOMMENDATIONS

1. The government should determine what size herd and what investment a "family size" dairy farm should involve and then come up with a program that will permit that family operation to receive a fair income on its labor and investment.

2. The Department should attempt to obtain approval of milk order proposals that provide for recognition of financial responsibility of fluid users for the "reservoir" of milk, normally used for manufacturing, that is available to meet their needs in short periods. It should avoid approving orders that unduly favor "close-in" producers and restrict in any way access to Class I outlets by "far-out" producers.

3. The Department should attempt to build long-range confidence in the dairy industry by stating its intentions from time to time to have dairy products play an important role in future expansion of foreign (both commercial and government) programs and by doing more to push dairy products in overseas promotional efforts.

4. The Department should assist the dairy industry to adjust to the slow movement of butter through a direct payment plan that will lower prices and move more manufactured products with high butterfat content into commercial channels. Abrupt setbacks to the butter-powder end of the industry should be avoided. Direct payments for butterfat also would have the effect of strengthening the competitive position of cheese, ice cream, and other dairy products that have long-term growth possibilities in the domestic market.

5. The Department should declare that 100 percent of parity is the goal of its dairy policy at all times and should avoid actions that prevent dairy income from reaching this level.

REX M. WHITTON, A DISTINGUISHED PUBLIC SERVANT

Mr. GRUENING. Mr. President, a well-deserved tribute and award were recently made to an outstanding public servant. He is Rex M. Whitton who has been named the International Road Federation man of the year.

The circumstances surrounding this award was set forth in the following press release which tells the story. I ask unanimous consent that it be printed at this point in my remarks.

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

U.S. Federal Highway Administrator Rex M. Whitton is the 1966 IRF "Man-of-the-Year."

The head of the big U.S. highway building program is the 16th recipient of the award made annually by the International Road Federation for distinguished service in national and international road developments.

He will be the first from the U.S. to receive the award. Others have been spread around the world, including seven to Europe, two to the Far East, five to Western Hemisphere countries other than the U.S., and one to Africa.

Two ceremonies will mark the conferring of the award upon Mr. Whitton. A plaque will be presented him in Washington by a distinguished U.S. government official, and a diploma award will be a part of the opening day ceremonies of the IRF World Meeting in London on September 18. A top British Government official will preside at the London ceremony.

When Mr. Whitton was appointed Federal Highway Administrator by the late President John F. Kennedy in 1961, he analyzed his mission as "simply to build highways quickly, economically and honestly."

The IRF Man-of-the-Year award is a tribute to his success in carrying out his goal.

Previous winners of the IRF "Man-of-the-Year" Award are: Hellmuth Swietelsky, Austria (1965); Vincente Mortes, Spain (1964); G. W. Knapp, New Zealand (1963); Eduardo Dibos, Peru (1962); Werner Mackenroth, Germany (1961); Michizo Kishi, Japan (1960); Luigi Tochetti, Italy (1959); Samuel T. Tolon, Cuba (1958); K. G. R. Ahlback, Finland (1957); Luis de Carli, Argentina (1956); J. Britschgi, Switzerland (1955); Thomas J. Mahony, Canada (1954); Charles Berry, South Africa (1953); Malte Jacobsson, Sweden (1952); Romulo O'Farrill, Sr., Mexico (1951).

Mr. Whitton's selection was made by a special IRF award committee meeting in Chamonix, France in May. Announcement of the award was made in New York at an IRF meeting on June 23.

One of Mr. Whitton's difficulty jobs has been to keep construction of the vast U.S. interstate highway system, the 41,000-mile network of express highway criss-crossing the nation, on schedule.

But despite rising costs and other technical problems, the network is scheduled for completion by 1973 at a total outlay of $46.8 billion.

Although the price tag on the system rose from that originally contemplated by Congress, design improvements have accounted for a substantial part of the increase. Labor costs have risen during the period, but some of these have been offset by more efficient construction methods, including increasing use of computers.

"One thing I know," Mr. Whitton remarked recently. "The highway program is as efficiently and honestly run as any public works ever. It compares favorably with any major activity I know. I am proud of what has been accomplished."

Born in 1898 in Jackson County, Missouri, U.S.A., Mr. Whitton earned a civil engineering degree at the University of Missouri in 1920, and promptly began a 40-year career with the Missouri State Highway Department.

He advanced through the ranks to become the Department's Chief Engineer in 1951. He held that post until he became Federal Highway Administrator on February 10, 1961.

He was President of the American Association of State Highway Officials in 1956, and also served as the association's regional vice president and a member of its executive committee for a number of years.

Active with the U.S. Highway Research Board, he is currently serving on its executive committee (of which he was chairman in 1957) and as a member of its special committee on urban research. He is also a member of the Missouri Society of Professional Engineers and the American Society of Civil Engineers.

The IRF "Man-of-the-Year" achievement is only the latest in Mr. Whitton's series of awards. In 1958, he was recipient of the George S. Bartlett Award for outstanding service in highway progress in the Nation. In 1960, he received the Thomas H. MacDonald Award for continuous service in the highway engineering field. The same year the American Public Works Association, in cooperation with Kiwanis International, named him as one of the top ten Public Works Men of the Year.

The more than half completed interstate highway system is not the only monument to his outstanding abilities.

In the field of scientific traffic studies, he was responsible for providing an experimental computerized installation on a four-mile stretch of the Eisenhower Expressway in Chicago, the TV-supervised John Lodge Expressway in Detroit and the Houston Gulf Parkway with metered traffic inputs.

These and other recent traffic surveillance and control steps have led to dramatic improvements in highway use efficiency—the equivalent of adding a fourth lane to three

already in use, or an increase in average traffic movement of from 10 to 12 percent.

Mrs. Lyndon Johnson's highway beautification program was pushed hard by Administrator Whitton and the resulting Congressionally-approved law is making rapid progress in the scenic advancement of Roadside America.

Under his guidance, the nation became more highway safety conscious. One of his projects was to provide a more liberal allocation of federal funds to states that undertake to eliminate highway traffic hazards.

A summary of Mr. Whitton's distinguished career was recently made by Secretary John W. Connor of the Commerce Department, under whose jurisdiction Mr. Whitton operates.

The U.S. cabinet official said:

"In carrying out a vast undertaking, he has proved to be an efficient and effective executive and engineer whose integrity is consistent with the highest public ethics.

"His monuments are the thousands and thousands of miles of road here in the U.S. which reflect his more than 45 years of service in land communication."

Mr. Whitton has worked as hard to promote good roads internationally as he has in the U.S.

He was a principal speaker at the Fourth IRF World Meeting in Madrid in 1962, at the IRF Regional Conferences in Tokyo in 1964 and Lima in 1965, and at the Ninth Pan American Highway Congress in Washington in 1963.

He has been responsible for the sturdy support the U.S. has given the building of the Pan American Highway and under his direction the U.S. Bureau of Public Roads has contributed to the road building and improvement programs of many nations around the globe.

The global outlook which has characterized his thinking is typified by his comment at the IRF Regional Meeting in Lima:

"I think", he said, "all of us come eagerly to conferences such as this, to exchange ideas and information, and at once to learn and to teach one another.

"For it is thus that we build better roads—which build better communities, regions and nations—and a better world."

THE FUTURE OF GUYANA

Mr. BREWSTER. Mr. President, events in southeast Asia and in Europe tend to divert our attention sometimes from happenings in this hemisphere. Recently a new country, Guyana, celebrated its independence. A member of the official U.S. delegation to this celebration was one of my closest friends, William C. Doherty.

Bill Doherty was appointed by President Kennedy as Ambassador to Jamaica in 1962. His work in that position, added to his longstanding familiarity with Latin American affairs, give me considerable respect for his views. When Bill sent me his analysis of the future of Guyana, therefore, I read it with great interest. I offer it for the careful consideration of my colleagues as well.

Mr. President, I ask unanimous consent that Ambassador Doherty's letter be printed in the RECORD.

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

BETHESDA, MD.,
June 20, 1966.

Hon. DANIEL B. BREWSTER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BREWSTER: I have just returned from Guyana where I participated in that country's Independence Celebrations, as a member of the Official United States Delegation. It was a rewarding experience.

Recalling your deep interest in the islands of the Caribbean, I would like to take this opportunity to give you some of my observations in respect to the progress of freedom and democracy in that most important and turbulent area. I shall include Guyana, although it is neither an island nor in the Caribbean, because of its close relationship to present and former British possessions and because of the relationship of former Prime Minister Jagan to Fidel Castro. Although the Guianas are located on the northeast coast of South America, their economy, history, and politics are linked with the Caribbean by tradition.

It is my firm conviction that the establishment of democracy in the Caribbean area and Guyana is essential to the security of the United States. Cuba, the Pearl of the Antilles, is now a slave state within the Communist bloc. Hispaniola is half-slave under the thumb of "Papa Doc" Duvalier, in Haiti; and half-free, God-willing, in the Dominican Republic, due to the efforts of the United States Government and the Inter-American Peace Force, which assisted the people of that country to return to a democratic form of government on June 1, 1966.

As you know, I have had a long-standing interest in the Caribbean Area dating back to the years of my work with the Postal, Telephone and Telegraph International. My interest was intensified when I became the first U.S. Ambassador to Jamaica, appointed by the late President John F. Kennedy in 1962. In viewing Jamaica and the islands of both the Greater and Lesser Antilles, I see great hope for democracy largely because of the traditions of Anglo-Saxon law and order established by Great Britain. Nevertheless, when I look at the new nation of Guyana, I feel some trepidation. The population of approximately 600,000 people is composed of a racial mixture which is 50 per cent East Indian, 30 per cent African with the remainder being Amerindians, English, Portuguese, Chinese and mixed. Because of the topography of the country, all but a small portion of the population lives in the coastal areas. In recent elections the people have voted strictly along racial lines and, because of the size of the Indian population, Cheddi Jagan was until 1964 Prime Minister of this country while it enjoyed semi-autonomy as British Guiana. It was only after complications between the Africans and the Indians which, while basically political, gave rise to outrageous acts of racial violence, that the British Government installed a system of proportional representation in the colony. As a result, a coalition between the parties in opposition to Jagan's People's Progressive Party took control of British Guiana. Forbes Burnham, a product of the Guyana labor movement and the Trades Union Council, was named Prime Minister. He has been endeavoring to develop a multi-racial government and power base. His split with Cheddi Jagan in 1955 was a complete one and he is now diligently attempting to forge a viable democracy from the diverse elements of Guyana.

If he succeeds, Forbes Burnham must overcome serious handicaps which include a race problem not yet completely solved and an unemployment rate in excess of 10 per cent in a population which, while basically literate, lacks the necessary skills to integrate a modern industrial society.

He has on his side time, because he will remain in power at least until the elections of 1968. He also has a finely-trained civil service, a legacy of the old British "colonial" system. He appears to have taken the right road to freedom and democracy. I think the United States is now doing—and should continue to do—all it can to assist the Prime Minister in this work to preserve democracy and foster human dignity in Guyana.

As a trade unionist, I have always believed that one of the essential institutions for the survival of democracy in any country is a free and democratic trade union movement. In this connection, I would like to point out the work that the American Institute for Free Labor Development (AIFLD) has been doing in Guyana and in the Caribbean to foster this concept.

On May 25, I participated in a ground breaking ceremony marking the beginning of an Industrial Training School which will be financed by funds from the Alliance for Progress and administered, in its formative years, by the AIFLD. This school will train Guyanese workers in plumbing, electrical work, masonry, carpentry, welding and heavy equipment operation and maintenance. The AIFLD plans to graduate approximately 500 students per year. The school will provide the type of skilled labor which is essential to the social and economic progress of Guyana. It will also foster the development of responsible trade unionists, because it will be administered with the participation of the Trades Union Council and will furnish skilled workers to strengthen the free trade union movement.

The Institute has also developed in Guyana a $2,000,000 housing project which will provide over 500 moderately priced homes to members of the Trades Union Council. These homes will be offered at terms which can be met by the workers, giving to those who have toiled long and hard the opportunity to secure credit to purchase decent housing in a country where both housing and credit are short. The financing for this project will be by the AFL–CIO under the Agency for International Development Housing Guaranty Program. By demonstrating to the rank-and-file that free trade unionism can benefit the worker in more than wages and hours, rank-and-file members of the unions of Guyana will develop a stronger, more dedicated membership.

In addition to bricks and mortar demonstrations of what can be done through union cooperation, the American Institute for Free Labor Development established Critchlow Labor Institute on October 5, 1965. This activity is the AIFLD's most recently established educational program and would have been established sooner but for the Cheddi Jagan regime. Fifty trade unionists have received courses in labor union activities and in union leadership since the establishment of this Institute. Prior to that, twenty-five Guyanese had received training in Washington at the AIFLD's three-month Washington program.

Outside of Guyana, the Institute has been extremely active in Jamaica and the islands of both the Greater and Lesser Antilles. Four hundred eighty trade unionists have participated in seminars in trade union organizations and leadership and over fifty trade unionists from the islands have received training in Washington.

In the Dominican Republic, the AIFLD began construction of a 110 housing project in San Pedro de Macoris in August, 1965. To date, 30 houses have been delivered, and the balance should be delivered in September, 1966. This project has been directly responsible for the return to the democratic camp of at least one union. Over 700 Dominican trade unionists received training through the Institute prior to the revolution in April, 1965. After that date, over 200 trade unionists participated in the AIFLD's educational program in Santo Domingo.

In this area of the Caribbean and Guyana, and in the rest of the hemisphere, I believe the AIFLD's programs have been outstanding. They demonstrate to us one way in which the American Labor Movement, with the cooperation with its government, can work on a union-to-union basis to foster the principles of democracy in other countries.

It seems to me that the Caribbean area and the rest of the hemisphere must re-

ceive a priority in our foreign affairs thinking. Although Viet Nam, the Atlantic Alliance, the emerging nations of Africa, the problems of China and India, and the squabbles of the Arab nations of the Middle East, and all the other problems cannot be forgotten, I nevertheless believe that in respect to this hemisphere, the United States Government and its people must go beyond the good neighbor policy of Franklin Delano Roosevelt, and the Alliance for Progress of John F. Kennedy. I believe that either a larger proportion of our foreign aid budget should go to the social and economic development of this hemisphere, or that this budget should be increased so more financial assistance would be available for such purpose. I cannot escape the conclusion that, in spite of the many pronouncements of our government of the necessity of making the Alliance for Progress work, the countries of this hemisphere are still of secondary interest. I hope I am wrong, but certainly I would expect to see increased momentum in the programs of the Alliance to prove I am wrong.

With kindest personal regards, I remain,
Sincerely yours,

WILLIAM C. DOHERTY.

THE DAIRY PRICE SUPPORT ORDER

Mr. McGOVERN. Mr. President, I am pleased to call to the attention of my colleagues the announcements made by Secretary of Agriculture Orville L. Freeman yesterday, relative to milk pricing in this country.

The Secretary of Agriculture has recognized a dangerously tight supply situation in the dairy industry and has taken action to reverse trends in the dairy industry which have seen dairy farmers leaving the farm at an alarming rate at the same time that cows are being slaughtered at record volume.

He raised price supports for manufacturing milk to $4 per hundredweight. This is an increase of 50 cents over the prices he announced last March. In taking this action the Secretary said:

> I have been deeply concerned for many months about the decline in dairy production, and the implicit threat which a continuation of this trend would have to consumer supplies of milk and dairy products.

He said further:

> I am taking these steps today to insure consumers adequate supplies of milk and dairy products in the months ahead, and to provide dairy farmers with an opportunity to share more equally in the general prosperity most Americans enjoy today.
>
> Thus, these actions today will encourage dairy farmers to continue in dairying, to slow up their culling of herds and to increase their feeding rate. It also will insure that the dairy farmer, who has always been on the low end of the economic totem pole, will receive a deserved increase in what he earns for his skill and labor.

The Secretary has also acted to increase prices to farmers who supply the great fluid-milk markets by guaranteeing a minimum base in the formulas which are used to set the price on milk used for bottling.

Mr. President. Secretary Freeman is to be congratulated for his action by both farmers and consumers.

Dairy farm income was so low prior to this order that herds were being culled and sold off at an alarming rate. If the liquidation had continued, we would have been short of milk and prices to consumers might have skyrocketed out of control.

The Secretary's order will help to stabilize both production and prices to consumers of dairy products. In the long run, both producers and consumers will benefit substantially.

It is a wise move which I am happy to applaud.

TRIBUTE TO REPRESENTATIVE TODD, OF MICHIGAN

Mr. HART. Mr. President, it is often true that the most important things happen in the quietest ways. Nothing brings this out better, I believe, than what has happened in this country in the last 2 years with respect to the issue of family planning and the worldwide population explosion. Two years ago, public discussion of the issue of birth control was almost taboo. People were a bit nervous about discussing the consequences of the rushing population growth. Predictably, the politicians wouldn't touch the subject—despite its overwhelming importance—with a 10-foot pole.

But on June 9, with very little fanfare, the House passed a bill that may rank in importance with any bill passed by the 89th Congress. This was the food for freedom bill, continuing the program by which surplus American foods are sold abroad. Attached to the bill was a set of amendments which, for the first time in the history of the Congress, gave open recognition to the gravity of the population problem and gave explicit authority for funds generated by the sale of surplus food abroad to be used for voluntary programs of family planning and child and maternal health and nutrition.

In the past, the use of these funds has been most successful in education, conservation, economic development, and many other significant fields of foreign assistance.

Certainly I do not wish to suggest that there should be, in any way, an implication in our Government's extension of use of these funds for family planning that the United States was conditioning its use of funds from surplus agricultural products on a recipient government undertaking a national or local program in family planning. This is not the spirit or intent of this proposal.

These amendments were originally suggested by Congressman PAUL H. TODD, JR., who represents the Third District in Michigan. He was the first man to introduce a bill in the House on the subject of the population explosion, just as he was the first man to testify at the vitally important series of hearings on the world population problem now being conducted by Senator GRUENING. If it were not for the concern and hard work of PAUL TODD, these history-making amendments would not be in the bill today.

Mr. President, we all know that freshmen lawmakers are generally supposed to keep quiet and take a back seat in developing legislation. PAUL TODD deserves a lot of credit, both for his wisdom in doing something about one of the world's most pressing problems and for his courage in facing a difficult issue that needed to be faced.

In an article on Congressman TODD in Newsweek magazine of July 4, 1966, Kenneth Crawford describes this accomplishment as a spectacular achievement in world statesmanship.

An article in the Detroit News of June 12, 1966, written by Jerry Ter Horst, tells the story of what PAUL TODD did and how he did it. I ask unanimous consent that excerpts of this article be printed in the RECORD at this point.

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

[From the Detroit News, June 12, 1966]

MICHIGAN CONGRESSMAN CONFOUNDS ADVISERS: TODD'S "BRASH" STAND ON BIRTH CONTROL VINDICATED

(By J. F. Ter Horst)

WASHINGTON, June 11.—One of the nation's Democratic oracles threw up his hands in political horror 13 months ago when freshman Rep. PAUL H. TODD, a Kalamazoo spice merchant, stood up on the floor of Congress to announce he was introducing Capitol Hill's first birth-control bill.

* * * * *

Snickers and derisive skepticism also came from veteran lawmakers. Wise in the ways of staying alive politically, they told TODD he should avoid personal identity with noble but lost causes that produce voter wrath, harassment and, in the end only congressional inaction.

For a newcomer like TODD, it should have been valuable advice. His election in November, 1964, looked like one of those happy accidents attributable to the Johnson landslide.

The man he beat was ultraconservative Republican Rep. August C. Johansen, who had represented Michigan's 3rd District in the southwest corner of the state for 10 years. No Democrat before TODD had been elected to Congress there in modern times.

TODD announced his birth-control legislation on April 1, 1965—and it was no April Fool's joke.

Thursday, in a historic but little-noticed action, the House of Representatives adopted a Todd birth-control amendment as part of the 1966 food for freedom bill. The vote was 333 to 20.

There was no fight on the floor. It was the first time that either chamber in Congress had explicitly authorized the use of funds for programs designed to deal with the onrushing problem of worldwide population growth.

The size and margin of the vote showed clearly that TODD's "suicidal" proposal had the overwhelming support of Catholic congressmen, as well as other members of both parties.

But just as remarkable to those who know the ways of Congress was the fact that the 45-year-old TODD, in Congress only 17 months, had managed to get his amendment into the bill even though he is not a member of the Agriculture Committee, which drafted it and reported it out.

How did all this happen?

"It took months of quiet talking," said Philip H. Power, TODD's 27-year-old administrative assistant and another novice on Capitol Hill. "PAUL simply went out and sold the idea to everybody.

"And, of course, the idea is so elegantly logical."

Basking now in the glow of satisfaction, TODD said the food for freedom bill presents a "complete approach" to the related problems of famine and population explosion.

DUAL PURPOSE

"It provides surplus food to feed those who are starving right now and it generates funds which can be used to cut population

growth and thus prevent people from starving in the future," he said.

"Without the family planning provisions in the bill, merely providing food would be a cruel hoax, doing nothing to attack the underlying causes of famine.

"Further, the bill makes clear that no programs will be undertaken without the explicit request of the governments involved and that all such programs will be entirely voluntary."

What TODD had sensed in proposing his politically bold scheme was that "nothing is so irresistible as an idea whose time has come."

For in the last few years the development of public concern and discussion about population growth has been "astonishing," in TODD's word.

As recently as 1959 President Eisenhower had declared: "This government will not . . . as long as I am here, have a positive political doctrine in its program that has to do with the problem of birth control. That's not our business."

President Kennedy, a Catholic, nevertheless made it federal business but in a quiet, almost unobtrusive way. He permitted the Public Health Service and the National Institutes of Health to spend federal funds on research in the field of family planning.

PROGRAMS ADDED

Then came President Johnson, who not only has expanded federal research but has made funds available through the Public Health Service, the Children's Bureau and the antipoverty agency to help states and municipalities establish family planning clinics of their own.

Even the Vatican has shown concern over the world's booming population which, at present birth rates, will be six billion by the year 2000. That will be 12 times as many people on earth as there were during William Shakespeare's life.

TODD's introduction of the bill 13 months ago was matched by . . . Senator ERNEST GRUENING, Alaska Democrat and a physician. GRUENING held a series of Senate hearings that drew congressional attention to the problem of family planning.

EMPHASIS ADDED

Mr. Johnson, in his 1966 state of the union message, committed the administration to helping countries that are trying to control population growth.

"We will earmark funds to help their efforts," he said.

With the food for freedom bill coming up in the House Agriculture Committee early this year, TODD went to work in earnest. He held a long and productive session with powerful Chairman HAROLD D. COOLEY, North Carolina Democrat.

On Feb. 10, TODD made a speech in the House and for the first time suggested that a family planning amendment be incorporated into the food bill. That was the same day Mr. Johnson had sent his food message to Congress.

ASKED FUNDS

TODD proposed that 15 percent of the funds generated by sales of food abroad be set aside for a program "for maternal and child health and nutrition and for family planning."

A month later, on March 9, TODD came up with specific language embodying his idea.

He also told the House that while his program would cost less than $500 million annually, the cost of feeding the 30 million additional people being born in Asia every year would come to $16 billion of extra capital investment "just to maintain the present low standard of living."

There are two main avenues for amending a bill in Congress.

One is to propose it on the floor during formal debate on the measure, a very chancey method and likely to be defeated. The other is to "sell" it to a member of the committee that is steering the bill through the House.

EASIER WAY

This may be more difficult at first but if an amendment can be accepted in committee—and incorporated as part of the bill when it is brought to the floor—odds are that the House will approve it.

TODD decided upon the latter procedure. He went to see Rep. SPARK M. MATSUNAGA, Hawaii Democrat, a popular lawmaker of Japanese-American extraction who had come to Congress in 1963.

MATSUNAGA was a hard-working member of the Agriculture Committee. He listened to TODD's arguments for adding family planning provisions to the food for freedom bill—and agreed to sponsor the amendment.

The 15 percent figure for fund earmarking was stricken from the final language as not necessary, but MATSUNAGA added other amendments making over-population one of the criterions to determine whether a country needs U.S. food help and declaring that the United States should try to reconcile food needs and population growth in developing nations.

SENATE TO ACT

Odds now are that the Senate will pass the bill quickly, with GRUENING keeping a watchful eye on the Todd proposal.

What does TODD think now of the political experts who were telling him to stay away from controversial subjects such as birth control?

TODD's answer is a poll he took in his congressional district around Kalamazoo. Eighty two percent of those responding favored a U.S. program to help other countries in family planning.

"This is a staggering amount of support," TODD said. "It suggests that in this area, as in many others, the people are well ahead of the politicians.

ADMINISTRATION $4 PRICE SUPPORT FORMULA WELCOME

Mr. PROXMIRE. Mr. President, I rise to express my thanks and support to the administration for the Agriculture Department's decision to increase the dairy support price from $3.50 to $4 a hundredweight. This decision was urgently needed. It is most welcome.

For months I have urged Secretary of Agriculture Freeman to do this. Secretary Freeman decided on the $3.50 level March 31.

Only last week I again called for a realistic price level of $4.

Our milk production in May was the lowest since 1940, when we had 35 percent fewer persons in this country.

In addition, we are threatened with a real shortage of milk if dairy farmers continue to sell their herds because of inadequate income. The higher support level will help halt this exodus from the farm and in the long run will mean more reasonable prices to the consumer.

Secretary Freeman's announcement today was urgently needed, most welcome, and should be a stabilizing force for the Nation's dairy farmers.

THE PROPOSED ILLINOIS-INDIANA AIR POLLUTION CONTROL COMPACT

Mr. DOUGLAS. Mr. President, I think it proper to point out some of the difficulties involved in this measure. We should not place exclusive reliance on it as a means of dealing with the very difficult interstate situation which now exists in the Lake County, Ind., and lower Cook County and Chicago areas.

I have supported all of the measures intended to stimulate local initiative in the fields of air and water pollution control and I believe that the contamination of our air and water is one of the most serious domestic issues facing this Nation. In spite of increasing efforts to cope with pollution over the past few years the situation is worsening every day, and the most knowledgeable authorities on the subject tell us that both air and water pollution will reach truly critical proportions unless effective controls are established immediately.

The Clean Air Act of 1963 and its amendments attempt to stimulate local and State air pollution control activities by providing technical and financial assistance in support of these activities. The cities of Chicago, East Chicago, Ind., and Gary, Ind., have been quite active in setting up air pollution control programs, and Chicago's program is probably the best in the Nation. Both Illinois and Indiana have State agencies to deal with air pollution, but in each State the low level of public awareness of the dangers of air pollution has resulted in less than adequate staff and funds to run these programs. Since we in Illinois suffer a great deal from pollution originating in Indiana, we are naturally concerned about the quality of air pollution control efforts being made by the State of Indiana.

The Clean Air Act recognized and encouraged interstate cooperation efforts to control and abate air pollution, including the establishment of interstate commissions established under congressionally approved compacts. While I believe local initiative and interstate cooperation should be fostered, I have been quite concerned about certain aspects of the proposed Illinois-Indiana Air Pollution Control Compact. I do not say that the compact will not work, but it could very well be a nullity because of its deficiencies. The compact is poorly drafted and full of loopholes. It does not strike at potential sources of pollution but requires a showing of injurious effects before action can be taken. This restriction seriously limits the effectiveness of the compact. While no representative of the U.S. Public Health Service is to serve on the Commission, two of the Commissioners will represent the industries responsible for polluting the air. There is nothing in the compact to require that the Commission's records and proceedings too be made public. The standards to be employed by the Commission in controlling and abating interstate pollutions of the air are nowhere spelled out in the compact. Unlike the Delaware River Compact wherein action can be taken upon the vote of a simple majority of the entire membership, this compact would vest a virtual veto power in any four members of each State's seven-member delegation on the Commission.

I point out these flaws and shortcomings in the hope that they will be recognized and overcome through sincere and dedicated work by the members of the Commissioners. I am willing to give the compact and the Commission a chance,

but we should not mistake the fact that this compact may be ineffective.

At best, the Commission could serve to focus public attention on those aspects of air pollution originating in one State which affect the territory and citizens of the other State. It could also serve as a focal point of legal authority for certain necessary interstate activities, for instance, a regional network of air monitoring devices with centralized data recording. Most important, however, is the authority which would be vested in the Commission to order a municipality, corporation, person, or other entity to cease causing or contributing to pollution of the air in a State other than that in which the pollution originates.

I would certainly hope that any interstate commission set up to deal with the problem of air pollution would not only coordinate the separate State activities as they affect the border areas, but also would help to strengthen, improve and accelerate those activities. We have had plenty of study groups and task forces in the field of air and water pollution control. What we need now is hard-hitting action at the Federal, State, and local levels of Government. To the extent the Commission is going to give us that action, I am for it. My decision to support the proposed compact is based largely upon legal advice I have received which indicates that should the interstate Commission established under the compact prove to be ineffective in abating air pollution originating in one State and endangering the health or welfare of persons in another State the Federal Government still retains its authority to move in and bring suit to stop the pollution. In other words, the compact can set a floor but not a ceiling.

If the compact is to contribute anything to the separate efforts of the localities and the States, the wholehearted cooperation of at least the majority of each State's seven member delegation on the Commission will be required. I believe that this compact could be of real help in combating our regional air pollution problem, but I want to make it quite clear that the compact is no panacea and that the public should not be deluded into believing that the solution of our air pollution problem is near at hand because of the compact. The interstate Commission will reflect the extent of this willingness of the State and local agencies to work together in a sincere and disinterested effort to protect the health of Illinios and Indiana citizens.

I am going to support the compact in the Congress and I certainly hope that the members of the Commission which will be created if the Compact is approved will take seriously their responsibility to the public. I want to enable such good as may come from the compact to have its full chance of fruition while being fully aware of its weaknesses.

STATEMENT BY SENATOR JAVITS—"NORTH VIETNAM BOMBING: THE WRONG DECISION"

Mr. KUCHEL. Mr. President, the distinguished senior Senator from New York [Mr. JAVITS] is necessarily absent from the Senate. I have been asked to request unanimous consent that a statement which he has prepared entitled "North Vietnam Bombing: The Wrong Decision" be printed in the RECORD.

Mr. President, I ask unanimous consent that the statement be printed in the RECORD.

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

"NORTH VIETNAM BOMBING: THE WRONG DECISION"—STATEMENT BY SENATOR JAVITS

The U.S. bombing of oil depots outside of Hanoi and Haiphong, no matter how it is explained, does mark an escalation of the Vietnamese conflict. The decision to bomb so near these major population centers may have valid military justifications, as stated by Secretary McNamara, but the humanitarian and diplomatic repercussions will be unfavorable, and they may far outweigh the military effects.

I have repeatedly warned that the immediate effect of escalation is likely only to be greater loss of lives and not the greater likelihood of negotiations. I, therefore, have stated that any step-up of military activities should be preceded by realistic proposals to halt the escalation and start a negotiating cycle. To this end, I have suggested an internationally inspected military freeze, that is, a cut-off on sending additional troops by both sides.

Now, it is true that the President did warn Hanoi that the U.S. may have "to raise the cost of aggression at its source." It is also true that we did make an offer for the "reciprocal lessening of hostilities." Finally, it is true that the private efforts of a former Canadian diplomat to bring the Communists to the conference table ended in failure.

The onus for rejecting these warnings and efforts lies squarely on the leaders of North Vietnam and the NLF. But the fact that they were rejected did not mean that the U.S. had to respond by bombing so close to civilian centers. The bombing action has already been taken; there is no changing that. But the President could have chosen to demonstrate otherwise our renewed will and purpose. The bombing of the oil installations was the wrong decision for the following reasons:

1. Despite Secretary McNamara's hard-to-believe assurances, North Vietnamese civilians were undoubtedly killed in the raids. Secretary McNamara's denials strain the credibility of the American people.

2. Our breaking of the civilian-military barrier in Vietnam could lead to Communist terror reprisals in major population areas of South Vietnam, such as Saigon.

3. The United Kingdom, an important and loyal ally in our policy in Vietnam thus far, regretted the bombings and "disassociated" itself from them. Prime Minister Wilson's reaction probably will be mild in comparison to others around the world.

4. The bombings may result in increased Soviet assistance to North Vietnam in the form of ground-to-air missiles and MIG fighters, and in the increased danger of Communist Chinese intervention.

5. The military effects on North Vietnamese troops and supply infiltration into the South are uncertain. Even Secretary McNamara had to admit that the effects cannot be judged for another three months, and that the most he could promise is that the bombings would "restrict infiltration and make it more costly."

We cannot undo what has already been done, but we can state as unequivocally as possible our willingness to negotiate and our willingness to hold unconditional discussions not only with the North Vietnamese but with the National Liberation Front and Communist China. I also feel—even assuming the President made this clear a week ago—that we should repeat specifically our willingness to accept an internationally supervised military freeze on the introduction of additional forces into South Vietnam as the framework for truce negotiations.

I feel that the President should make this sort of statement to the nation and the world as clearly and as deliberately as he announced the U.S. willingness to negotiate for peace during his now famous speech at Johns Hopkins University on April 17, 1965. At that time, too, objections were raised to such a declaration on the grounds that the President had made similar statements many times before. But his declaration at Johns Hopkins had the effect of calming fears throughout the world.

A similar clear and definite statement is needed once again: to meet the new situation brought about by the recent bombings.

THE BOMBING OF NORTH VIETNAMESE OIL DEPOTS

Mr. DODD. President Johnson's decision to destroy the oil depots in the Hanoi-Haiphong area was a necessary one, and one which will effectively limit the ability of the North Vietnamese to inflict casualties upon American servicemen. This step was taken with all necessary precautions, and the fact that population centers were carefully excluded from attack is proof to the world that we oppose not the people of North Vietnam but only the aggressors who are using that country as a stepping stone to further conquest.

The Communists have shown that rather than cease their aggression, they seek to enlarge it. The infiltration of North Vietnamese regular troops and supplies into South Vietnam has increased in recent months. The choice before us is whether we will sit idly by and permit the means of aggression to build up to ever larger proportions, or whether we will act to destroy these means at their very source.

We have chosen to destroy such supplies before they have had the opportunity to inflict casualties on American servicemen. We have also taken an important step in making it clear that aggression will not be permitted to succeed.

No one, I am certain, wants to see a wider war in Vietnam. But the war cannot possibly be won without certain decisive measures. And the alternative to winning the war is losing it.

I have no difficulty in understanding why those elements who would like to see the American forces in Vietnam defeated condemn yesterday's raid. But the great majority of those who have sincerely criticized the President's decision do not, I am certain, want to see the American forces in Vietnam defeated and would not like to see us surrender the South Vietnamese people to communism. There is a contradiction, in short, between their basic attitude toward the Vietnam war and the position they take on the specific matter of yesterday's bombing raid.

In a significant column in this morning's Washington Post, William S. White points out:

The mortal issue in South Vietnam has now demonstrably narrowed down to a single real question. Will the people of the United States stand firm against Communist

aggression now that it is in sober fact a losing aggression militarily?

The only drawback to a military victory, White notes, is that the Communists will be given the "hope that the will of the American majority will falter at last." To this degree, it is what we say and do in this country that will determine our stance in the world.

Mr. White also describes an important speech recently given by the Singapore Prime Minister Lee Kuan Yew which has had little publicity in this country. I met Lee Kuan Yew when I was in Singapore last year, and at that time had the opportunity to spend an evening with him. On that occasion he said to me privately precisely what he has repeated recently in public. It deserves the attention of all Americans.

Prime Minister Lee said that "the little fishes" in Asia would be swallowed one by one if the United States allowed South Vietnam to fall into Red China's hands.

Do you believe—

He continued—

that the Indians are stooges and lackeys of the Americans? Do you believe that Pakistan is a lackey of the Americans? They are friends of China. Then there are the Burmese. They are the best neutralists in Asia. How is it that none of them has really said that "this is a crime against humanity committed by the Americans?"

The reason, Lee stated, is that they know that Communist aggression must be stopped, for they are next on its list.

I wish to share this column with all Senators, and therefore ask unanimous consent that it be printed in the RECORD.

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

THE MORTAL ISSUE: WILL UNITED STATES STAND FIRM AS REDS FALTER?

(By William S. White)

The mortal issue in South Vietnam has now demonstrably narrowed down to a single real question. Will the people of the United States stand firm against Communist aggression, now that it is in sober fact a losing aggression militarily, until the assailants can be forced to enter honorable peace arrangements?

The interconnected question is this: Will a handful of pacifist-minded Senators—the FULBRIGHTS, the ROBERT KENNEDYS and so on—continue, however good the motives of their endless "dissent," to give the Communists hope that the will of the great American majority will indeed falter at last?

President Johnson and other officials of this Government have for some time believed that the true battlefield was shifting from the front lines in Vietnam to the home front here. Now, every scrap of independent information from the Communists themselves—interviews with captured Red officers, surveys by detached American correspondents, wholly unpolitical intelligence reports—tells one story and one alone.

This, simply, is that the Communist invaders themselves now admit that they cannot defeat the Allies in South Vietnam—unless American home divisions become so savage as to enfeeble the whole underpinning of the Allied efforts.

The plain reality is that this war against Communist aggression cannot now be lost on the actual firing line.

For proof the most important fact is that the rainy season May-October Red offensive which every year before this has all but cut South Vietnam in two has this year been effectively halted before it could begin.

A second important fact is in the now lost attempt of the Buddhist politico-clerical extremists to overthrow Premier Ky. That they were defeated is significant, of course. But it is even more meaningful that they tried it at all. Why? Because as power-seekers the prize—control of South Vietnam—was for the first time of genuine value. Why genuine? Because for the first time it was plain that to have political control of South Vietnam would mean something; that South Vietnam was not going to fall to Communist conquest. What plotters would seriously seek to seize a regime in immient danger of falling to a Communist invader whose first act would be to take off the heads of that regime?

And if the Communists have passed the point of no return in purely military terms, they have also passed it in Asian political terms. All of Asia except that part of it already in the Red Chinese grip is accepting now the bottom reality that South Vietnam's rescue from attack is indeed the salvation of all the rest.

One illustration of this is in a recent speech by the leftist Singapore Prime Minister Lee Kuan Yew which has had little or no publicity here. In a talk before a Socialist Club in Singapore Lee said bluntly that whatever their ideologies the "little fishes" in Asia would be swallowed one by one if the United States allowed South Vietnam to fall into Red China's hands.

"Do you believe," he went on, "that the Indians are stooges and lackeys of the Americans? Do you believe that Pakistan is a lackey of the Americans? They are friends of China. Then there are the Burmese. They are the best neutralists in Asia. How is it that none of them have really said 'this is a crime against humanity committed by the Americans'?"

They have not said it, Lee went on, for the simple reason that they know the Communist attack on South Vietnam must not be allowed to be repeated if there is to be any safety left in all Asia.

THE HOUSING SECTION OF THE CIVIL RIGHTS BILL

Mr. THURMOND. Mr. President, pending at present before the Senate is additional so-called civil rights legislation. Recently I testified before the subcommittee headed by the distinguished senior Senator from North Carolina [Mr. ERVIN] in regard to this legislation. I understand that the housing section is particularly obnoxious to citizens all over the United States. The Greenville News, of Greenville, S.C., recently published an editorial which contains very timely and appropriate remarks in regard to title IV, the housing section of this particular bill. In order that all Senators may have the benefit of this outstanding editorial entitled "Title IV Mocks Civil Rights," which was published on June 25, 1966, 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:

TITLE IV MOCKS CIVIL RIGHTS

Passage of the housing section, or Title IV, of the civil rights bill now before Congress could have a disastrous effect on homeowning in the United States.

It could be particularly devastating in growing areas like upper South Carolina, where people move in and out by the thousands each year.

Take Greenville County. Each year there is a sizeable turnover in privately-owned homes—large, medium and small. This results from Greenville's growth as a metropolitan center. People move in and buy homes; they move out and put their homes up for sale to other newcomers similar to themselves.

Title IV could change all this.

Suppose a typical homeowner leaving Greenville puts his house up for sale, hoping to get enough equity from it to buy another house in his new location. Then a member of some minority group looks at the house. After negotiations, the owner and the would-be buyer fail to come to terms.

Under Title IV the would-be buyer could sue the homeowner in federal court. He would have many advantages over the defendant under the terms of Title IV:

—The plaintiff's attorney's fees and court costs would be paid by the taxpayers; the defendant would have to foot his own bills.

—A preliminary injunction against sale of the house could be issued immediately, without any testimony or defense.

—The U.S. attorney general could intervene in behalf of the plaintiff, throwing the entire weight and power of the federal government against the homeowner.

—The house would be off the market until a final decision is reached—perhaps three years later. Thus the homeowner's funds would be tied up.

—The plaintiff, if he wins, could get actual damages, plus almost any amount of "balm" for "humiliation and mental pain and suffering." The defendant, if he wins, gets nothing.

In other words all the "rights" are with the plaintiff. The defendant has only the right to defend himself, if he can afford to finance a defense against the resources of the federal government.

This iniquity, if written into law, would be enough to bring into question the value of owning a home at all. Already it is difficult enough, with inflation, taxes and higher-priced mortgage money adding to the cost of home ownership.

The plight of the homeowner under Title IV is a terrible thing to contemplate in a land where a man's home is supposed to be his castle. Title IV in effect makes a mockery of the "civil rights" label under which it moves.

ADDRESSES OF VICE PRESIDENT HUMPHREY AT MICHIGAN STATE UNIVERSITY AND AT THE U.S. MILITARY ACADEMY

Mr. PROXMIRE. Mr. President, the Vice President of the United States, HUBERT HUMPHREY, possesses—among his other endearing characteristics—a deep and abiding affection for youth.

The Vice President himself personifies the happy, optimistic, future-looking attitude of youth.

Recently Vice President HUMPHREY delivered two great speeches that expressed this spirit.

One was at East Lansing, Mich., where he addressed the graduating class at Michigan State University. The second was at graduation ceremonies at West Point.

The heart of the Humphrey message to American young people was concisely expressed in his Michigan State University address in the following words:

You will be tempted to chart your progress by Gross National Product or by trade indices, or by many other of the quantitative measures you do distrust today.

Keep your distrust of these things.

Measure your progress by whether those you help—those who have known in their lives nothing but despair and defeat—by whether they can begin to have faith, by whether they can begin to have hope, by whether they can begin to find themselves.

Mr. President, I ask unanimous consent that both of these speeches be printed in the RECORD at this point.

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

REMARKS BY VICE PRESIDENT HUBERT H. HUMPHREY, U.S. MILITARY ACADEMY, WEST POINT, N.Y., JUNE 8, 1966

Gentlemen, I salute you. You have completed four years of rigorous training—of mind, of body, and of spirit. You have done well.

But I congratulate you even more on what lies ahead—for the lives of service to your country and to your fellowmen which you begin here today.

The demands on you will be great—greater than on any previous generation of the "Long Gray Line" that has passed proudly through this great institution.

Never before has your country been so deeply linked with every part of a rapidly shrinking and changing world.

Never before has the power available to men been so awesome.

Yet never before have men everywhere been so aware that power alone cannot solve their most urgent problems nor satisfy their deepest needs.

You are soldiers. There will be times when your courage, your coolness, and your command of the military arts will be required in full measure.

But you will have to be more—much more—than fighting men.

You will have to be builders.

You will have to be diplomats and psychologists, engineers and politicians, advisers, educators, and friends.

For in the years ahead, the peace and security of the human family will be threatened by aggressions far more subtle than those of armed regiments moving across national frontiers.

World peace and security will be threatened by propaganda, subversion and agitation . . . by economic warfare . . . by assassination of honest and able leaders . . . as well as by the naked use of armed force.

World peace and security will be threatened, above all, by the very existence, for two-thirds of mankind, of conditions of hunger, disease and ignorance.

We must learn that the simple solutions of times past will not meet the present-day challenges, and new forms of aggression, we face.

"Our doves" must learn that there are times when power must be used. They must learn that there is no substitute for force in the face of a determined enemy who resorts to terror, subversion and aggression, whether concealed or open.

Our "hawks" must learn that military power is not enough. They must learn, indeed, that it can be wholly unavailing if not accompanied by political effort and by the credible promise to ordinary people of a better life.

And all of us must learn to adapt our military planning and actions to the new conditions of subversive warfare—the so-called wars of national liberation.

We must learn to meet and defeat our enemy on all, not just one, of the battlefields. We must use the techniques of politics, of economic development, of information and social advancement—and of coordinating all these efforts in a rational and effective total effort.

We are linked to all parts of a complex and changing world. I want to turn now to one part—but a most important part—of that world. It is a part of the world that I know is much on your minds. I speak of Asia, and of America's role there.

In this Spring of 1966, we urgently need perspective on Asia—on its history and the history of our relationship. That perspective can give us guidelines for wise choices—and a solid base for realistic hopes.

I believe the ingredients of perspective can be found in the answers to three questions: Who and what is Asia? How did we get involved with Asia? And, finally, can we achieve sensible goals in Asia?

Who and what is Asia?

Asia means people—more than half of mankind.

Asia means civilizations—venerable, inventive, artistic, and deeply rooted cultures.

Asia means religions—the great compassionate religious and ethical systems of Hinduism, Confucianism, Buddhism, Islam, and Christianity.

Asia means problems—the age-old afflictions of poverty, illiteracy, disease, exploitation, and oppression.

And in the modern era—the past hundred years or so—Asia means revolution.

It was a revolution that was long in coming but inevitable once West met East with full force.

Revolution is seldom peaceful, never easy. For Asia the period of Western impact—and the transformation it produced—has been often turbulent, bitter, and humiliating.

Take three major ingredients of modern Western history—the spectacular rise of nationalism, capitalism, and science. Bring them to bear on proud older cultures, either through direct colonial rule—as in India, in Indonesia, or Indo-China—or through enclaves and spheres of influence—as in China.

Little wonder the effect would be disruptive on Asian societies, as well as sometimes constructive. Little wonder that the results would engender resistance and resentment among Asian peoples toward the Westerner, as well as curiosity and sometimes friendship.

And little wonder that the history of Asia in the modern era is the history of Asia's response to the West, an unfolding revolutionary process of which the end is by no means in sight.

It is a process that seeks first to expel the foreign colonial master, and has largely succeeded in doing so.

But independence is only a fragile beginning, not an end.

With independence comes the struggle for nationhood in the full sense of the word—the struggle to create national unity out of religious and linguistic and even geographic fragmentation * * * the struggle to create national power, in order to maintain stability within and to deter and resist any would-be aggressors without * * * and the struggle to create both wealth and justice, to create a society of expanding opportunities and hope.

The revolutionary process is turbulent and fraught with dangers: It contains the danger of unbridled competing nationalisms; the lure of false prophets and demagogues; the temptation of illusory short-cuts that lead to new tyranny; the passions aroused by unfilled expectations.

Nearly fifty years ago a new specific danger was first added to this process: The doctrines of Marx and Lenin—offered as an explanation of Asia's past, a plan of action for Asia's present, and a blueprint for Asia's future.

Though always a tiny minority, the agents of Marxism-Leninism were able in parts of wartime and post-war Asia to ride the tide of nationalism and anti-colonialism.

With perseverance and discipline, they produced an impact far beyond their numbers.

Today we see in mainland China the tragic result of one Asian revolution that lost its way—a revolution captured by a disciplined Communist minority.

The high price of that tragedy is, for the people of China, a life of isolation in the world's most rigidly totalitarian state, and, for the people of Asia, a profoundly disturbing neighbor.

Today we see in the Indo-China peninsula the tragic result of another Asian revolution that lost its way. The people of Vietnam, who have lived with violence for a quarter of a century, not only find half their country ceded to a Communist minority regime in Hanoi. At the same time they also face a determined effort by that regime to force South Vietnam under Communist rule.

I come to my second question: How did we get involved with Asia?

The question may sound naive. Yet I frequently hear the statement from those who should know better that "America has no business in Asia."

In part this view stems from frustration in the face of Asia's complexity. How much easier to withdraw and let nature take its course.

But in part this view also stems from a misreading of history.

We are all in some degree both heirs and captives of history. And our involvement in Asia is no recent abberration but rather a rooted fact of history.

In one sense, of course, America is simply a something funny that happened to Columbus on his way to Asia.

In a deeper sense, we are and have been a Pacific power from the days of New England's clipper ships in the late 18th century.

Our traders and entrepreneurs soon were joined by our missionaries—not simply evangelists, but doctors and nurses, teachers, engineers and agricultural specialists. By the mid-19th century American ships had opened up Japan, and American citizens were leading participants in what became the greatest export of people and technology ever attempted from one civilization to another—much of it focused on China.

In the process, we became catalytic agents of transformation. In the process, too, we became unwitting participants in Asian history, and in revolution.

America's role in Asia today is a direct product of the century that preceded World War II and of the war itself.

For with the end of that war, the responsibilities of victory imposed on us a stabilizing role in Japan and Korea.

And with the beginning of the Cold War, the Communist victory in China, and the outbreak of the Korean War, American power was the only shield available to fragile and newly independent nations in non-Communist Asia.

This was not a role we had sought. This was not the peace for which we yearned.

Nor is it a role we seek to perpetuate today. But the peace still eludes us. For there are those in Asia who still pursue their objectives by aggression and subversion. And there are others who ask our help in meeting this threat.

I come to my final question: Can we achieve sensible goals in Asia?

What, in simplest form are those goals?

First, we seek to assist free nations, willing to help themselves, in their deterrence of and resistance to all forms of aggression.

Second, we seek to assist free nations, willing to help themselves, in the great tasks of nation-building. We must lead other rich nations in the war on poverty, ignorance and disease in Asia.

Third, we seek to strengthen the forces of regional cooperation on the basis of Asian initiatives.

And finally, we seek and will continue to seek to build bridges, to keep open the doors of communication, to the Communist states of Asia, and in particular Communist China—just as we have to the Soviet Union and the Communist states of Eastern Europe.

The isolation of the Asian Communist states—however caused—breeds unreality, delusion, and miscalculation.

Efforts to break that isolation may, for the time being, provoke denunciation and hostility. But we shall persevere and explore means of communication and exchange, looking to the day when the leaders of Asian communism—as their former colleagues in Europe—will come to recognize the self-destructiveness and wastefulness of their present bellicose policies.

Prudence and reason, not the slogans of the past, will guide us as we try to reduce the unacceptable risks of ignorance and misunderstanding in a thermonuclear age.

Let me underline what we do not seek:

We do not seek alignment, except from those who choose it. We do not seek economic privilege. We do not seek territory or military basis. We do not seek to dominate or to conquer.

Our objectives are best served by one result in Asia:

The emergence of nations dedicated to their own national independence, to the well-being of their people, and to the pursuit of peace.

I return now to my question: Can these objectives be achieved?

My answer is yes. But much depends on our actions as a nation, and on the understanding that prompts those actions.

In the struggle for a peaceful, strong, and developing free Asia, our assets in the region are great.

In Japan, at one end of Asia's arc, we have a staunch friend, a highly developed nation, our second trading partner, an immense potential force for the development of Asia.

On the South Asian subcontinent, at the other end, we have close friends in India, the world's largest democracy, and in Pakistan. Both nations are dedicated to independence and bravely embarked on programs of development.

And in the Southwest Pacific, completing the triangle, are our friends in Australia and New Zealand who share our commitment to the future of Asia.

Elsewhere—in Korea, Taiwan, the Philippines, Thailand, Burma, Malaysia, Singapore, and Indonesia—we find nations committed in differing fashions to independence and development. We respect their commitment, and we respect their differences. We applaud their leadership.

But what of the states of former French Indo-China?

There, of course, is the present focal point of war and revolution in Asia. And there we are tested as never before. We face a situation of external aggression and subversion against a post-colonial nation that has never had the breathing space to develop its politics or its economy.

In South Vietnam, both defense and development—the war against the aggressor and the war against despair—are fused as never before. Vietnam challenges our courage, our ingenuity, and our ability to persevere.

If we can succeed there—if we can help sustain an independent South Vietnam, free to determine its own future—then our prospects, and the prospects for free men throughout Asia, will be bright indeed.

We know this. Our friends and allies know it. And our adversaries know it. That is why one small country looms so large today on everyone's map of Asia.

But Asia will not disappear with a Vietnam settlement.

Nor will our objectives and responsibilities in Asia disappear.

The peace and development of Asia will be high on our national agenda for the rest of this century.

So will our relations with the nations of Asia—including our relations with mainland China.

President Johnson's address at Johns Hopkins University last year was an historic formulation of American purposes in Asia.

In that speech he said that our commitment to South Vietnam was firm, that our quest for peace would be unremitting, and that our continuing concern with the welfare of the peoples of Southeast Asia could be tested by Asians ready to initiate cooperative ventures of peaceful development. The President pledged 1 billion dollars to projects that might be developed.

In that speech, too, President Johnson envisaged participation by North Vietnam in constructive social and economic arrangements once Hanoi had decided to stop the shooting. And last February, he again appealed to the "men of the north" to stop aggression and to join in helping fulfill the unsatisfied wants of the people of the region.

Termination of war alone would be a major contribution to the process of accelerated social and economic development in Asia.

But there are other basic problems which face most of the countries in the area.

In Asia, incomes are low. Population growth is high. There is a shortage of capital. The need for investment is almost limitless. There is excessive dependence on a limited number of products for foreign exchange earnings.

These problems demand the attention of countries in the area as well as countries outside which are able to help.

But there is promising ferment in free Asia today—ferment that can lead to higher standards of performance on the part of individual countries and a greater sense of community among them.

War is always cruel. But the war in Vietnam should not obscure for us the fact that behind the smoke and uproar is the testing of an issue vital to all of Asia, and indeed the world.

Can independent, non-Communist states not only survive, but grow and flourish in face of Communist pressure?

In that confrontation, a review of free Asia's achievements should give us solid ground for hope.

Consider South Korea, where exports have increased by 500 per cent in the past three years. Consider Taiwan, which has been transformed from an aid-receiving to an aid-giving country and enjoys a rate of economic growth higher than even that of Japan. Consider Malaysia and Thailand, where ambitious development plans are being launched. Yes, consider Indonesia, where new leaders are determined to see that potentially rich country resume a responsible place in the world community.

All of these developments are striking evidence that, notwithstanding Communist boasts that they represent the wave of the future, the real achievements taking place within Asia have occurred in areas that rely upon independence, competition, and respect for national integrity as the bases for genuine and enduring social and economic progress.

As we Americans strive to deal with the immense problems—and the promise—of a vibrant, modernizing interdependent Asia in the years ahead, we will be called upon to show special qualities of mind and spirit and understanding as a nation.

We will have to learn far more about Asian history and Asian cultures than any of us now know. We need more than nodding acquaintance with the key critical issues that absorb the attention of Asians.

We will have to learn to speak and read Asian languages.

We will have to become more sensitive to the differences among Asian nations as well as their similarities.

We should also be sensitive to the pride, dignity and nationalism of Asian peoples and nations. Like most people, Asians prefer to rule themselves badly than to be well ruled by some foreigner. The same goes for advice and initiatives. Otherwise good ideas inevitably lose some of their appeal if carried through Asia in clearly foreign wrappings.

Asians prefer Asian initiatives, proposed by Asians. So do we.

Finally, we must learn to suppress our national enthusiasm for quick solutions.

Asia's problems are extraordinarily complex and intractable; they will be with us for a long time to come, and we should force ourselves to practice some traditional Asian patience.

It is patience—and perspective—that we will need in the years ahead.

For I have no doubt that we will meet, in Asia as in the rest of the world, time and again with disappointment, disillusionment, ingratitude and frustration.

Yet we must not be deterred.

It is our good fortune to be free citizens of the most prosperous and powerful nation in the history of the earth.

It is the prosperous who can most afford compassion and humility.

It is the powerful who can most afford patience and perspective.

Let us, then, not pursue policies—or judge ourselves—in consonance with the passion of the moment.

Let us pursue those courses of which, in the judgment of history, it can be said: "These were the paths taken by wise men."

REMARKS OF VICE PRESIDENT HUBERT H. HUMPHREY, MICHIGAN STATE UNIVERSITY, EAST LANSING, MICH., JUNE 12, 1966

HUBERT H. HUMPHREY feels a kinship with college students.

I like to be where the action is.

I was raising Cain with the system before you were born, and as I am just beginning to get started, I don't doubt that I will be raising Cain when you are running things too.

In fact, I wish I were being graduated today. I might have a better idea where my next job is coming from.

Today I speak in a relatively new role. I speak for management.

As management's spokesman, I wish first to thank you for service to your nation.

In all these years of study, I am sure you thought you were improving your position to compete in the years ahead or to enter a profession. But you today are more than college graduates.

From management's viewpoint, you are valuable natural resources.

More Americans are in college this year than all the Americans alive when our nation was founded. More Americans are in graduate schools today than all the Americans who bore arms during the Revolution. Those are lots of resources.

And we will need them all.

For by the time one of you is likely to stand in this place at some future Commencement, the American people will number more than 300 million—and the people in the world almost too many to even think about.

And I need not recite for you the future needs and problems of those people.

You will be in charge. You will be responsible for our national security and my medicare.

You will be responsible for the education of my grandchildren and the freedom of my great-grandchildren.

So I propose to take a look at you and have a talk with you.

But first, about your parents . . .

It may be hard to believe but, in another century's history books, the very people who have been helping with your tuition may be ranked among the greatest radicals in modern history.

Some of your parents might flinch if you told them there were radicals in your family. But they have been nothing less.

Theirs is the first generation in all of history which, by its own hand, has surrendered the privilege of telling its offspring: This is how things are; this is how they always have been; this is the way the world goes.

Your fathers and mothers were born children of hills and valleys. Today they see the galaxy itself.

They have created amazing new systems of management, science and technology.

They have found new and better systems to care for people.

And I have been right in the midst of it with them, just as I am with you.

I am not going to bore you with tales of the Great Depression, or of World Wars, and of the hardships your parents faced.

Nor will I recount the struggles that took place in our country to achieve the measure of well-being and social justice we have reached today.

But I can tell you, it has been no picnic. It has been no improvised "happening."

It has taken involvement, and hard work, and study, and self-doubt, and passionate disagreement, and finally, understanding and motion.

Progress has ridden no fast express. It has been a local all the way.

Thus, as older generations welcome you aboard, I think you ought to know that they're not been cooling their heels waiting for you.

The generation of your parents has lived amid the floodwaters of history. Most of them have known genuine hardship. Many of them have lost loved ones on other continents. Their old horizons have gone far off in space, yet they have followed, cautious but willing. The world has come to their dinner table, and at times has seemed to stay a long while, yet they remain hospitable.

They have made history. Yet to many of you, I know, it seems "the heavy hand of history."

Remember this: The challenges they have faced didn't leave room for some of the niceties of today.

They have had to meet trouble in large sizes.

They have had to feed and clothe and house and transport and produce and educate and struggle in big portions, just to overcome the clear and present perils of their time.

Individualism has been the backbone and concern of their work. Yet to serve the individual, they have had to build on a scale which has seemed at times to dwarf the individual.

By and large they have been, I believe, a resourceful and courageous generation.

And now, to you, I know, it seems they have hidden their history.

Over the battlefield they have laid out the golf course.

For those of you who have grown up within putting distance of a country club or within walking distance of a second car, it is hard, I know, to recognize many vestiges of radicalism.

"Where's the action?" you ask.

And I reply: There's plenty of action. Roll up your sleeves and have some.

Your parents had to fight desperately, at your age, to stave off poverty at home and violence abroad—and they in large part succeeded.

Yet the challenges you face are far greater, and far more exciting, than those they faced. The scale of effort to be required of you will be far greater than that required of them.

For the fact of our time is this: The poverty our nation knew in the Great Depression . . . the peril that mankind knew in World War II—these are nothing compared to the poverty and peril that surround our strong, rich America in the world today.

There are desperate conditions of injustice and hunger and disease throughout most of the human family.

There are, in human society, conditions which not only bring a sense of shame and insufficiency to those of us who live in such a blessed land . . . but conditions which can lead to the eruption of the little disorder, which can grow to the small war, which can build to the cataclysm which could destroy rich and poor, black and white, believer and non-believer—all of us alike.

That is where the action is.

This is the environment in which you will be in charge.

This is the human adventure on which you embark.

I believe you sense the full measure of what you face.

I feel a sense of concern and of involvement among you.

I have seen you in the Peace Corps, helping strangers.

I have seen you marching down dusty roads on behalf of fellow Americans whose skin doesn't happen to be white.

I have seen you, in VISTA, lifting the forgotten to a place of self-respect in life.

I have seen you, standing calm, resisting the temptation of violence, for what you believe in.

I have seen you, wearing your nation's uniform, fighting bravely for a cause far more difficult to understand than any we have defended before.

I have seen you speaking out, from deep personal conscience, without thought of personal popularity.

You perform remarkably well in the system your parents built, yet I know that you are probing relentlessly to find your own personal relationship to it * * * desperately seeking identity in a society of bigness.

For your generation, the old labels seem to have little meaning.

Whether you are part of the "New Left" or the "New Right" or the "Out" or the "In," your concerns are far more for basic humanity than they are political.

And I think it is a mistake to see in either your protests, your reservations, or your dissent, much that can fit into the traditional political categories.

Indeed, if much of our political history seems to have escaped you, you are not too troubled by the loss. You are deeply and personally caught up in what matters today.

You set high standards for yourselves, and you judge yourselves harshly.

And you show a remarkable degree of serious introspection for the children of prosperity.

And I sometimes fear that, in your introspection, you may come to believe you are alone.

I tell you now that when you stand alone, you are not alone.

When you speak out and act alone in America, you are more a part of this land and more a source of its strength than are all of the multitude who join in silence, no matter how vast they may seem.

"The most dangerous enemy to truth and freedom amongst us," said Ibsen, "is the compact majority."

Oppose that compact majority, and you are sure to collect a few bruises. But I have found that the best remedy for a bruise is to collect a few more.

The more you speak out, and the more you act, the more you are going to discover that you are lending courage to a surprising number of people whose feelings will come to the surface in response to yours.

True freedom in any land is a relentless, never ending process of self-discovery among its people.

This you will preserve, for our own land, not because it is your inheritance; nor because some destiny says you must; but because your own free search for individual identity in the living present, demands it.

The strongest bulwark of liberty is man, free and in search of himself.

A good number of your generation have already learned this lesson, in search of themselves in places and causes far distant from East Lansing, Michigan.

It is your opportunity to carry that lesson into forgotten corners of our country—and of the world—where people have never had any reason to learn it, or believe it.

We face today the incomparable opportunity—in the red dust of South American villages, in the neon minefield that is Watts, California—to stimulate the will to seek identity and to discover one's course.

You will be tempted to chart your progress by Gross National Product or by trade indices, or by many other of the quantitative measures you so distrust today.

Keep your distrust of these things.

Measure your progress by whether those you help—those who have known in their lives nothing but despair and defeat—by whether they can begin to have faith, by whether they can begin to have hope, by whether they can begin to find themselves.

Yours is the opportunity to prove in the world what the generation of your parents has already begun to prove in America: That the course of history is not a mindless juggernaut we are powerless to control, but a fresh challenge susceptible to courageous action in each generation.

I hope you will be sensitive to that opportunity.

I hope you will waste no time in seizing it.

The story is told that Pericles of Ancient Greece in his later years came across a young lawyer of Athens who was deeply devoted to causes, who wished to change immediately what was wrong in the world.

Pericles chastized the young man for being too bold and brash—for concerning himself with things better left to older men.

The older man patronizingly said: "Of course, I understand for I, too, was overeager in my youth. But now that I am older I have learned better. Take my advice and do not become so involved."

To which the young man replied: "I regret I did not have the privilege of knowing you when you were at your best."

Despite the fact that I represent management here today, I will tell you this: If you do not choose to follow, precisely the trails that others have blazed, then I do not think we ought to count the future unsafe in your hands.

In your search for identity and self-knowledge, you will have much to discover before you determine what is worthwhile, and what is worthless.

But in a land of individuals, better the mystery of the search than some counterfeit security. In a world society desperate for change, better your dedication to it than your fear of it.

It is the special blessing of this land, that each generation of Americans has called its own cadence, and written its own music—and our greatest songs are still unsung.

THE MILITARY DRAFT

Mr. KENNEDY of Massachusetts. Mr. President, yesterday I was privileged to testify before the House Armed Services Committee on the subject of the military draft. Today the Assistant Secretary of Defense for Manpower, Thomas D. Morris, testified before the same committee, on the results of a comprehensive study of the draft undertaken by the Department of Defense. I am very pleased to learn, from Mr. Morris' testimony, that the Defense Department's study arrives at many of the same conclusions that I have arrived at in my own investigation of the draft.

In my testimony yesterday I stated that there is a growing national concern

over the workings of the present draft system and that, because no practical alternative to conscription has yet been found, it was the responsibility of Congress and the administration to seriously explore the possible alternatives to this system, with a view toward finding a method which could meet our manpower requirements, insure fairness and provide for the induction of young men at an early age.

I said that the defects of the present system stem mostly from two policies: drafting "the oldest first," and granting liberal deferments. The "oldest first" policy causes the average age of induction to rise sharply when manpower needs decrease, and keeps many young men in uncertainty for as many as 5 or 6 years. The policy of granting liberal deferments works a bias against those young men who do not have the intellectual or financial resources to maintain deferments which will take them past the draft age.

To correct these defects, I proposed we consider introducing, when circumstances permit, an age-class lottery method of selection to choose men for the military service. The lottery would select men at age 19 when differences in education, occupation and marital status among our young men are less than they are subsequently.

Those young men who wanted to attend 4 years of college could postpone their lottery eligibility, but when they finished school they would have to enter the lottery with the 19-year-old group of that year.

Concentrating the draft among those 19 years of age, and choosing among them by a method of random selection, I pointed out, would have these advantages over the present system:

It would make every qualified young man equally liable for conscription.

It would be flexible in meeting manpower needs.

It would reduce uncertainty for draft-eligible young men.

It would cause less disruption in their lives and careers.

It would maintain the average age of induction at around 20, which is preferred by both the armed services and the general public.

According to Assistant Secretary Morris' testimony the Defense Department study also concluded that "the draft selection system should be redesigned to concentrate military service among the younger age classes—and older students when they leave school—when force levels are reduced and stabilized."

One way to accomplish this objective, the Defense Department suggested, would be to induct men from the class IA available pool in any one year from a priority category consisting in large part of the current 19- or 20-year-olds. Student deferments would be permitted at the completion of which time the individual deferred would have equal exposure with the 19- and 20-year-olds of that year. Those in the 19 and 20 age class not reached by the end of a year would be placed at the bottom of the next year's draft list, after men in the new class of 19- or 20-year-olds and the newly available ex-students. Present deferment rules would be continued.

Under the approach I proposed yesterday, substantially the same procedures would be followed as those suggested by the Defense Department study mentioned above, with the exception that I would eliminate the deferments for dependency and occupation, whereas the Defense Department would retain them. My reasoning was that at age 19, few of our young men would have acquired critical skills or dependency situations to require continuing the deferments for such considerations. At the same time I recognize that since few young men would qualify for these deferments, their continuation would not make a substantial difference to the overall equitable operations of the system.

In addition, under my proposal, the student deferment would be for only 4 years.

In response to questions, Secretary Morris stated that the Defense Department was continuing to study ways in which those who would serve might be chosen from this pool of 19-year-olds. He admitted that this pool would far exceed our draft needs in the future when force levels are reduced and stabilized.

He agreed that a method of random selection, such as the lottery I have proposed, to choose from among those in this 19-year-old pool would be a very simple and effective method of selection, and said that the Defense Department was examining this method as well as several other alternatives.

Should the Defense Department arrive at a method of selection which is more equitable and efficient than the random selection method I have proposed, I would be delighted to support it. I presently know of no better alternative.

I agree with the conclusion of the Defense Department that the proposal to consider revising our draft system to choose those who must serve from a pool of our young men aged 19 or 20 "deserves thoroughgoing evaluation, in preparation for its application when military strengths stabilize at a level which would result in a new trend toward higher induction ages."

Mr. Morris reported that the Defense Department will continue to study the question. I, too, intend to continue to pursue this question, for the method by which we determine who shall serve is a question which affects all Americans.

In my judgment, this question deserves the attention of all Members of the Senate, and I ask unanimous consent, to insert in the RECORD at this time, the statements made by Assistant Secretary Morris and myself, before the House Armed Services Committee.

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

STATEMENT OF THOMAS D. MORRIS, ASSISTANT SECRETARY OF DEFENSE (MANPOWER), BEFORE THE HOUSE COMMITTEE ON ARMED SERVICES, REPORT ON DOD STUDY OF THE DRAFT, JUNE 30, 1966

DEPARTMENT OF DEFENSE REPORT ON STUDY OF THE DRAFT, JUNE 1966

In April 1964 a comprehensive study of the present draft system was undertaken by the Department of Defense. A major objective of the study was to assess the possibility of meeting our military manpower requirements on an entirely voluntary basis in the coming decade. The basic conclusions of this study were contained in Secretary McNamara's posture statement to the Congress early this year. We have now brought the analyses upon which the study was based up to date, and find that experience in recent months confirms in all respects our earlier findings and conclusions.

At the outset, I would like to stress that it has been, and is our firm policy to meet a maximum of our requirements through voluntary enlistments, and that we depend upon the draft only for the residual number of people required from month to month. There are many reasons for this. Reliance upon volunteers to the greatest extent possible in peacetime is in accord with the American tradition. The volunteer, moreover, serves initially one or two years longer than the draftee, and is more likely to seek a military career.

To encourage and facilitate voluntary enlistments, the Military Services maintain a substantial recruiting organization; currently there are more than 3,000 recruiting stations throughout the United States, manned by 7,000 recruiters. The Navy, Marine Corps and Air Force have—with limited exceptions—depended entirely upon volunteers. The Army, in most recent years, has obtained over half of its personnel through enlistments and its enlistment totals have exceeded those of any other Service.

Nonetheless, our studies fully confirm the essentiality of the draft, both to supply the residual number of men needed to man our forces, and to encourage a larger number of volunteers.

In this statement I will review five questions which have been considered:

I. What has been our experience with the Selective Service System since passage of the Act in 1948?

II. What are the problems in the Selective Service process?

III. Can foreseeable manpower requirements be met without the draft under present military manpower policies?

IV. If not, would improvements in pay and other manpower practices enable us to sustain an all-volunteer force?

V. Finally, if the draft must be continued, are there ways of improving the process of choosing those men who must serve in uniform?

SCOPE OF STUDY

Before outlining our answers to these five questions, I would like to indicate the comprehensive basis for our studies. Altogether, these studies have assessed the experience and attitudes of several hundred thousand men. They were conducted by the Military Departments, the Bureau of Census, the Departments of Labor and Health, and Education, and Welfare and by the Selective Service System.

Selective Service reviewed the records of 288,000 registrants as of July 1964 to obtain information, for each age class, on those who had served and those who had not.

The Military Departments obtained information on the attitudes of 102,000 men on active duty and 46,000 Ready Reservists, in order to determine their reasons for entering the Service, including the influence of the draft.

The Bureau of Census made a nationwide survey of both non-veterans and veterans, age 16–34 in 35,000 households, to determine their military service plans, experience and attitudes, with particular reference to the draft.

Finally, the Labor Department and the Public Health Service assisted us in special studies. The Labor Department surveyed over 2,700 employment and training officials in industry, colleges, and public employment offices, to determine the effect of the draft on employment and training opportunities of draft-liable young men. The Public Health

Service assisted us in evaluating the special problems of medical manpower supply and requirements.

I. What has been our experience with selective service?

Between September 1950 and June 1966, 188 draft calls were placed with the Selective Service System—one in every month except May and June 1961. During this period, 11.3 million men have entered or been called to active service as enlisted men, of whom 3.5 million—nearly one in three—were draftees. This has meant an average monthly rate of inductions of about 18,600.

The draft has proven to be a very flexible tool duirng the past 16 years. It has adjusted rapidly to widely varying annual requirements. In 1953, it was called upon to supply 564,000 men (59% of new entrants), while in 1961 draft requirements dropped to 60,000 (14% of new entrants). In the past 12 months (fiscal year 1966) it has been necessary to issue draft calls for 334,500 men in spite of a record volume of new enlistments. These requirements have been met promptly.

Clearly, there is no question about the success of the draft in meeting military manpower requirements, nor can there be any reasonable doubt as to the need for the draft in the present period.

A principal problem affecting the operation of the draft system in the past has been the growing supply of draft-age men in relation to military reqirements. A decade ago, only 1,150,000 men were reaching age 18. In 1965, the number of 18-year-olds had increased by 50% to more than 1,700,000. This trend will continue into the coming decade; by 1974, the number of men reaching draft age will total more than 2,100,000—over 80% above the 1955 level.

Enlisted personnel entries by major source,[1] fiscal years 1948–66

[Numbers in thousands]

Year	Total	Enlistees [2]	Draftees	Reserve recalls	Percent draftees
1948	281	281			
1949	398	368	30		7.5
1950	182	182			
1951	1,826	630	587	609	32.1
1952	991	532	379	80	38.2
1953	961	397	564		58.7
1954	647	382	265		41.0
1955	695	480	215		30.9
1956	583	446	137		23.5
1957	576	396	180		31.3
1958	453	327	126		27.8
1959	451	340	111		24.6
1960	439	349	90		20.5
1961	446	386	60		13.5
1962	715	409	158	148	22.1
1963	447	373	74		16.6
1964	527	376	151		28.7
1965	454	351	103		22.7
1966 [3]	933	598	335		35.9

[1] Excluding reenlistments.
[2] Includes male regular enlistments, other than prior service, and enlisted reservists voluntarily entering active duty tours of 2 years or more.
[3] Estimated.

Men reaching age 18

[In thousands]

Year	Number	Percent increase
1955	1,150	
1960	1,330	16
1965	1,720	50
1970	1,930	68
1974	2,120	84

As a consequence of this trend, a steadily decreasing percent of the Nation's manpower in the draft ages 19 through 25 has been called on to serve, and this trend may continue downward in the future, as shown in exhibit 2. In 1958, 70% of men reaching age 26 had seen military service; in 1962, 58% of those reaching age 26 had served; today the figure is about 46%. By 1974, at pre-Vietnam force levels, only 34% of those reaching age 26 will be required to serve. If the current 3 million strength level were sustained in the future, the percent serving would decline to 42%.

One consequence of the growing imbalance in supply versus requirements in the past decade, was a trend towards more liberal deferment policies. These actions were based on the objective of providing the armed services with fully-qualified men, while minimizing disruption to the careers of as many men as possible when justified in the national health, safety and interest. Recent high draft calls have made it necessary to reverse this trend, as discussed later in this statement.

EXHIBIT 2

Percentage of men, age 26, with military service—Actual: 1958, 1962, 1966; Projected: 1974

	Percent
1958	70
1962 (actual)	58
1966	[1] 46
1974 (projected) (3.0 million strength assumption)	42
1974 (projected) (2.7 million strength assumption)	34

[1] Preliminary estimate.

To keep the Selective Service process responsive to local conditions and to minimize processing time, a high degree of decentralization is practiced. Classification of men, granting of deferments and the issuance of induction orders are the responsibilities of over 4,000 local Draft Boards. The benefits of this decentralization have been well stated by the Director of Selective Service:

"No system of compulsory service could long endure without the support of the people . . . The Selective Service System is, therefore, founded upon the grass roots principle, in which boards made up of citizens in each community determine when registrants should be made available for military service."

The examination of men under Department of Defense fitness standards is conducted by the 74 Armed Forces Examining and Entrance Stations which are jointly staffed by all Military Services and administered by the Army. In order to assist the Selective Service System in meeting current high draft calls, the Department of Defense has made a strenuous effort to assure that its examination results are reported on a timely basis to the draft boards. As a result, the backlog of incomplete cases in the Armed Forces Examining and Entrance Stations has dropped 32% in the past few months; and 85% of all completed cases are now handled in six days or less.

II. What are the problems in the Selective Service process?

Criticisms of the Selective Service process in recent years have emphasized four principal points:

First, the present selection procedure calls the oldest men first—those who are the most settled in their careers.

Second, past deferment rules have favored college men—those who may be the more fortunate economically.

Third, past deferment rules have favored married men without children—thus putting a premium on early marriages.

Fourth, Department of Defense standards in recent years have disqualified men with lesser mental ability and educational attainment—those who may have been culturally deprived.

We have examined each of these critcisms with the following findings:

A. The Present Selection Procedure Calls the Oldest Men First

Exhibit 3 (not printed in RECORD) illustrates the fact that present draft rules operate to lift the median age of involuntary inductees during times of a surplus in supply versus requirements; and that this trend is sharply decreased during periods of high draft calls. During the past five years, the median age of draftees has ranged from a high of 23.7 in 1963 to today's low of 20.3.

The outlook for the next decade is again an upward trend in the median age, due to the growing supply of draft-liable men, particularly if military strengths return to the pre-Vietnam level.

This is the most undesirable feature of the present selection procedure, both from the military viewpoint and from the standpoint of the individual. Combat commanders prefer the younger age group, and about eight out of ten volunteers are in the age group under 20.

We have also ascertained that older draft-liable men face personal hardships. In our surveys, we found that: 39% of enlisted men who had originally entered service at ages 22–25 had been told by at least one prospective employer that they could not be hired because they might be drafted. College men had the greatest difficulty with restrictive hiring practices; 54% of this group reported some difficulty in their personal planning, prior to entering service, because of the uncertainty of their draft status.

B. Past Deferment Rules Have Favored College Men

Our analysis of Selective Service records of men reaching age 26 as of June 1964 revealed that only 40% of the college graduates had served, compared to 60% of the college drop-outs, 57% of the high school graduates and 50% of the non-high school graduates (see Exhibit 4). Since nearly all physicians and some other officers enter service after age 26, the percentage of college graduates in this age class who will have served will be somewhat larger than 40%.

There are many reasons why past draft rules tended to favor the college graduate under the high draft ages in effect in the early 1960's. He has had more opportunity to reach age 26 without serving—by receiving an occupational deferment, by continuing graduate study, or by acquiring dependents. In fact, 11% of the 26 year old college graduates had an occupational deferment as of June 30, 1964, compared to less than 1% of all other men who were age 26 on this date.

EXHIBIT 4

Percentage of 26-year old men who had entered military service by educational level, July 1964

	Percent
Non-high-school graduate	50
High school graduate, no college	57
Some college non-graduate	60
College graduate	40

There are arguments, however, in favor of college student deferment. Present student deferment rules were originally developed in 1951, based on the views of leading educators and Federal policy makers, in order to provide an assured flow of college trained manpower, both for the civilian economy and the Armed Services. The Military Departments, in fact, look to civilian colleges for 90% of their new officers. Under the much lower current draft age and the tighter deferment rules now in effect, the percentage of college graduates serving will be much higher than in the recent past.

C. Past Deferment Rules Have Favored Married Men Without Children

In September 1963, when the median age of inductees reached a peak, it was decided that married men without children should be placed in an order of induction after single men, a procedure then tantamount to deferment. After two years of experience, it was found that men in the 20–21 year age group had accelerated their marriage plans, presumably because of this deferment incentive.

Last summer, it became clear that continuation of the lower order of call for these men was not desirable, either from a manpower supply standpoint or in terms of social and equity considerations. An Executive Order was thus issued on August 26, 1965, providing that registrants married after that date would no longer be placed in a lower order of call.

Our experience with this deferment policy suggests that it should not be reinstituted in the future.

D. DOD Standards in Recent Years Have Disqualified Men With Lesser Mental Ability and Educational Attainment

Department of Defense qualification standards are of three types: mental, physical and moral. The latter two categories have been evolved over long years of experience and have not changed materially. We are engaged in a thoroughgoing review of these particular standards and their application.

The principal area of opportunity, however, lies in reassessing our mental standards, which have been increased substantially since 1958. The legal minimum requires that the new recruit pass the Armed Forces Qualification Test (AFQT) with a score in the 10th percentile or above (that is, in the upper 90% of the population tested). The law, however, permits the Secretary of Defense to raise these standards in peacetime.

The legal minimum standard was used from Korea until 1958, at which time permission to raise peacetime standards was granted by Congress. Between 1958 and 1963, standards were raised by adding the requirement for a passing score in three out of seven areas of an aptitude test battery given to those with low AFQT scores.

Last summer, a reexamination was begun to determine whether these standards were unnecessarily disqualifying men who, during the normal training cycle, could be made fully suitable by adequate "remedial" programs and acceptable "screening-out" procedures. Our examination led to revisions in standards which are now qualifying an additional 40,000 men annually. The first revision, made on November 1, 1965, provides that any high school graduate scoring in the 16th AFQT percentile or above will be accepted, regardless of his aptitude test scores. This revision was based on extensive research which showed that high school graduates, at any mental level, had a better performance record than non-high school graduates. The second revision, made on April 1, 1966, accepts an individual in the 16th percentile or above, who scores well in any two aptitude areas.

The results of these changes are being carefully scrutinized, and further revisions will be instituted if found feasible.

In order to accept men with lesser aptitudes in a sound manner, the Services have instituted remedial training programs and screening procedures to assure that only fully suitable men are retained. These safeguards are important not only under today's revised standards, but also for the future should the need arise to accept all men who meet the legal minimum. They will enable us to avoid many of the problems of discipline and marginal performance which were experienced during and after Korea.

In the future, we feel that a more comprehensive program of remedial education and physical rehabilitation should be conducted to qualify an even larger group of men. This program would accept men who have physical defects that can be remedied (with minor surgery, if required), or who need educational upgrading requiring up to three to six months beyond the basic training cycle. We believe that this is an investment we must make, both in the interest of broadening the pool from which manpower can be drawn, and to assure a more even distribution of the military obligation among our youth.

* * * * *

In the light of the problems described above, and the objective of the Department of Defense to draw to a maximum on volunteers, the next question examined by our study was:

III. Can foreseeable manpower requirements be met without the draft under present manpower policies?

While the draft has been called on to produce less than one-third of new enlisted entrants since 1950, it has long been apparent that the pressure of the draft has a decided influence on the decision of many of the remaining two-thirds who volunteer. To document this influence, a questionnaire survey was made of a representative sample of active duty and ready reserve personnel on their first tour, to determine the extent to which the draft influenced their decision to enter military service. The results (illustrated in Exhibit 5) provide a significant measure of draft motivation:

EXHIBIT 5

Percentage of first term enlistees and officers who entered because of the draft [1]

	Percent
Officers (first active duty tour)	41
Regular enlistees (first term)	38
Reserve enlistees (no active service)	71

[1] Source—Department of Defense Surveys of Active Duty and Reserve Personnel, Oct.–Nov. 1964. Based on responses to question: "Would you have entered service if there had been no draft."

Percent who would not have volunteered without the draft

Group queried	All services	Army	Navy	Air Force	Marine Corps
Regular enlistees	38	43	33	43	30
Officers	41	48	40	39	27
Reserve enlistees (including National Guard)	71	72	75	80	50

Using the above findings, we have estimated the probable numbers of men who could be expected to enlist voluntarily without the pressure of the draft, if no changes were made in pay or other incentives. These estimates allow for the expected growth in military-age population. Separate estimates were produced (1) under an employment level of 5.5%, the average for the ten years ending in 1965; and (2) under the current unemployment level of 4%. The findings clearly demonstrate that an all-volunteer force, under present policies, would fall far short of any force level which has been required since 1950.

A. New enlisted accessions would drop sharply by 1970 without the draft

After making full allowance for the increasing supply of men in the younger age classes, it is estimated that the annual volume of enlisted accessions would drop by 1970 to:

Unemployment rate:	*Estimated number of volunteers*
4 percent	235,000
5.5 percent	274,000

* * * * *

These include such diverse skills as electronics maintenance technicians, missile repairmen, intelligence analysts, meteorological aides and computer programmers—among many others. Increasing reliance upon sophisticated weapons systems and equipment has greatly increased the relative importance of these skills, and this trend will continue in the future.

Similar problems of specialist shortages would be encountered in officer procurement programs. The medical and dental corps would experience particularly severe shortages in view of the heavy reliance upon the draft in staffing these professional positions.

IV. Would improvements in pay and other manpower practices enable us to sustain an all-volunteer force?

Having found that elimination of the draft, with no new incentives, would make it impossible to sustain force levels of the size required during the past 16 years, we next examined the potentials for attracting a larger number of volunteers by (1) increasing pay, (2) offering more liberal educational and fringe benefits, and (3) replacing military with civilian employees.

To examine these opportunities, we requested the Bureau of Census to survey nonveterans, age 16 to 34, to determine their attitude toward military service versus civilian employment and the factors they considered most important in choosing a job or career.

A. The cost of sustaining an adequate all-volunteer force would be prohibitive

Surprisingly, responses of the 16–19 year old group revealed that pay alone is a less potent factor than might be expected.

This group was asked: "If there was no draft, what condition would be most likely to get you to volunteer?" The responses revealed:

That "equal pay" with civilian life was considered the most important inducement by less than 4%.

That "considerably higher" pay than in civilian life was considered most important by only 17%.

These findings generally confirmed other analyses of enlistment rates versus wage levels in various sections of the United States. By relating the rate of voluntary enlistments, unemployment, and the differential between military and civilian pay by region, we were able to establish estimates of the additional payroll costs required to attract an all-volunteer force.

It was found that pay increases for officers during their first two years would have to be in the range of 20%–50% to attract an all-volunteer officer force. For enlisted personnel, much steeper increases would be needed:

[Range of pay increases required]

Unemployment rate:	*Percent*
4.0	110–280
5.5	80–180

Translating these findings into dollars required to support a 2.7 million (pre-Vietnam) all-volunteer active force, it was found that:

[Range of increased payroll costs]

Unemployment rate:	*Billion*
4.0	$6–17
5.5	$4–10

The above estimates make allowance for the offsetting savings which would later result from lower turnover and the higher career content of an all-volunteer force.

But these are not the total new costs which would be required. Still greater increases in the pay of reserve personnel would be needed, due to the very low volunteer response without the draft. While less precise analyses were made, it is estimated that at least an additional $1 billion would be required in order to attract an all-volunteer reserve force of present size.

In the medical field, it would be impracticable to induce 3,000 or more physicians annually—nearly 50% of those graduating each year—to voluntarily enter service through increased pay.

Finally, the above estimates are representative of the costs required to sustain the pre-Vietnam force level. To obtain increases above this level would necessitate greater-than-proportionate increases for each increment added to the force.

B. Improvement in Fringe Benefits Would Have Limited Effect as an Enlistment Inducement

The Bureau of Census study of nonveterans requested the respondents to designate the factor "most important" in choosing a job or career. Fringe benefits placed eighth out of nine factors, with less than 3% ranking it most important. This bears out experience from other studies of the career motivation of young men, and confirms the view that leave, retirement, medical and other such benefits are of primary importance to men already in service, particularly at career decision points.

Thus, while we must continue to press forward with improvements in such areas to improve morale and career retention rates, it is unlikely that these improvements will contribute significantly to attracting a larger number of volunteers.

The one possible exception to the above finding is in the field of educational benefits:

Percent who felt they would be induced to volunteer without a draft (16- to 19-year-olds)—	Non-students	Students
	Percent	*Percent*
If guaranteed training in a job or skill useful in civilian life	29	20
If sent to school or college at Government expense before or during military service	18	31
If sent to school or college at Government expense after military service	8	12

The last named incentive is provided under the recently enacted "GI Bill of Rights." In respect to the first two, the Services are offering such training and educational incentives on an extensive scale, and those surveyed recognized that military service is superior to civilian careers in these respects. Thus, while further improvements should be made whenever possible, the opportunities to increase volunteers through such incentives cannot be counted on to overcome more than a small fraction of the deficit we would face without the draft.

C. Replacement of military with civilian personnel can reduce requirements, but not enough to solve the volunteer deficit.

Early in our study, analyses were made of the opportunities for greater substitution of civilians in support-type jobs now performed by military personnel. As a result, plans were implemented in the fall of 1965 to release 74,300 military personnel for combat-type assignments by substituting 60,500 civilians. The elimination of 13,800 additional military jobs is accounted for primarily by a reduction in the number of trainees and related support jobs.

We are watching carefully the experience in this substitution program, and continuing to search for additional support-type jobs which might qualify for substitution. However, there are practical limitations on the extent to which civilian substitution is feasible due to the need:

—To provide billets for the training and development of military personnel in many specialties, such as logistics, required in combat theaters, and

—To provide rotational billets for military personnel returning from tours at sea and in overseas areas.

* * * * *

In summary, we find that it is theoretically possible to "buy" an all-volunteer force, at a cost ranging up to $17 billion (depending upon unemployment conditions in the nation). This is the cost to sustain pre-Vietnam force levels. Other policy changes and techniques to attract more volunteers do not appear collectively to offer the potential of meeting the deficit anticipated under an all-volunteer force. However, these techniques must be aggressively pursued to help us hold our competitive position in the labor market, under conditions of full employment, and to continue attracting more volunteers.

V. Are there ways of improving the process of choosing those who must serve?

The final question considered in our studies was whether—given the continuing need for some form of conscription—there are better ways of choosing those who must serve.

One fact stands out as the key criterion for future improvements—that is, the need for concentrating military service among the younger age classes.

A nationwide poll, reported in late 1964, asked: "If you had a son who had to spend two years in a military service, at what age would you like him to begin his service?" The following responses were received:

Age:	*Percent*
16 to 17	6
18	48
19 to 20	20
21	18
22 or over	8

The desirability of service at a young age is fully confirmed by:

The experience of military commanders, as discussed earlier.

Less disruption of school plans, since it would permit men to fulfill their obligation after high school and before college (if they prefer). It would, likewise, offer the opportunity to more men to earn GI benefits before entering college.

Less disruption to marriage plans. 50% of men marry by age 22, and 70% by age 26.

By way of illustration, the following approach might be considered as a way of concentrating the major requirement for military service among a young age class, such as 19 or 20:

All men would be classified, as at present by local boards. Present deferment rules would be continued in respect to student status, occupational status, dependency status, ROTC and Reserve status.

Inductions of men from the Class I–A available pool in any one year would be made from a priority category consisting in large part of the current 19 or 20-year olds.

For those men preferring to complete their college education before serving, deferments could be granted until the student completed or terminated his education. At that time, he would have equal exposure along with the 19 or 20-year-olds of that year.

The priority category—called after draft delinquents and volunteers for induction—would thus consist of: (1) available 19 or 20-year olds; and (2) older men up to age 35, who become available for service in the current year after expiration of their student or other temporary deferments.

Men not reached for induction by the end of the year would be placed at the bottom of next year's draft list, after men in the new class of 19 or 20-year olds and the newly available ex-students.

The principal feature of a system such as that illustrated above, is that it reverses the present policy of calling the oldest men first, to one of calling young men either at age 19 or 20, or upon completion of school (if later).

It is, thus, our conclusion that the "young age class" system deserves thoroughgoing evaluation, in preparation for its application when military strengths stabilize at a level which would result in a renewed trend towards higher induction ages. Immediate introduction is not required in view of the low median age (20.3) which now exists.

CONCLUSIONS

The foregoing studies have led to five conclusions:

First, we cannot look forward to discontinuing the draft in the next decade unless changing world conditions reduce force levels substantially below those needed since Korea.

Second, increases in military compensation sufficient to attract an all-volunteer force cannot be justified. Nor would other incentives do more than help us hold our competitive position in the labor market under conditions of full employment.

Third, we should continue to maximize service by volunteers; to eliminate unnecessary requirements for military men where civilians can perform the task; and to perfect techniques of remedial training and physical rehabilitation so as to make military service available to every man who wishes it and is able to serve.

Fourth, with recent changes, the principle of deferments (on such grounds as dependency, student status, occupation, and unfitness) is basically sound. However, experience must be continuously monitored to assure broad participation among the various population groups.

Fifth, looking to the future, the draft selection system should be redesigned to concentrate military service among the younger age classes—and older students when they leave school—when force levels are reduced and stabilized.

STATEMENT BY SENATOR EDWARD M. KENNEDY BEFORE THE HOUSE ARMED SERVICES COMMITTEE, JUNE 29, 1966

I am delighted to have this opportunity to appear before your Committee to discuss my views on the Selective Service System. I know of few subjects more deserving of our attention.

These hearings reflect the growing national concern over the operation of the draft. Only a short time ago there was virtually no public discussion of the subject; twice in the last seven years Congress has extended the draft with virtually no discussion. Now scarcely a day passes without statements from members of Congress and prominent educators, articles in national magazines, editorials in our most respected newspapers, and heavy mail to Congressional offices—all concerned with the way this country chooses its servicemen.

The main reason, of course, is Vietnam. But the draft would deserve our serious attention even if none of our servicemen were in combat, because the way we determine which of our men shall serve in the military affects all Americans. In wartime it becomes doubly important, for the inequities we tolerate in a peacetime draft may mean the difference between life and death. When we ask one young man to risk his life for his country, and tell another that his life can proceed undisturbed, it is our responsibility to be sure we have devised the fairest way humanly possible to choose between them.

The current turmoil stems from the fact that our present draft system is an anachronism. It was fashioned to meet in a hurry the enormous needs of World War II. It was continued after the war on the assumption that this country would adopt some form of universal military training. But after it became clear that universal service would not be adopted, our Selective Service System was shaped on an *ad hoc* basis to meet changing manpower needs.

This draft system, jerry-built after the War, has not been changed substantially since then. Congress has not reviewed it in 15 years. There has been no attempt to design a comprehensive, carefully-planned system which would meet both our military needs and our civilian priorities.

My remarks are not intended to imply any criticism of General Lewis Hershey, a great

American who over the last 25 years has done an outstanding job helping this country meet its military needs. Nor am I demeaning the more than four thousand local draft boards, which serve selflessly and patriotically to achieve the best results they can under the laws they are directed to administer.

The responsibility properly rests with the Congress and Administration to design a better system. Unless this is done we will continue to experience what Kingman Brewster so aptly called "a cynical avoidance of service, a corruption of the aims of education, and a tarnishing of the national spirit. [Young men] have been deprived of such pride as [they] might have had either in response to honest need or in response to the luck of the draw."

I believe our draft system should be designed to achieve these goals: (1) flexibility—an ability to adjust to high or low manpower needs; (2) fairness—a conscientious concern for equal treatment for every young man in every population group; (3) certainly—a regard for uniformity and predictability, so that every young man may know at any time if and when he is likely to be called.

The present system incorporates none of these virtues.

This failure is largely a result of two policies of the present system: drafting the oldest first, and granting liberal deferments. The first produces uncertainty; the second, inequity.

The policy of drafting "oldest first" pits the average young man against the statistics of rising population and fluctuating manpower needs, and he is the inevitable loser. Before Vietnam, our military manpower needs were very low. When that crisis ends, our manpower needs will return to the previous low level, or drop even lower. Yet in the last 15 years the male population of draft age has doubled in size. Thus the manpower needs of the army of the future will not increase in size in anywhere near the ratio of population growth.

This means the average age of induction will rise sharply. In 1963, before the Vietnam buildup, it was already at 23.7 years. In the peacetime '70's it could rise as high as 25.

This policy of drafting the oldest first, therefore, will continue to force young men to plan their lives and families in an atmosphere of uncertainty and unpredictability. Their futures will be uncertain for perhaps five or six years, from the time when they first register for the draft to the time when they are finally called into service, if they are called at all.

This uncertainty is not merely a minor irritant. A recent National Student Association study on "student stress" revealed that the draft contributes to the anxiety of almost all male college students—not because of fear of death, or dislike of the service, but because, as the students put it, "we don't know what's going to happen to us."

Another real victim of this uncertainty is a young man's career. Surveys show that 25 per cent of the young men classified 1A have been turned down for jobs because of their draft status. This is one reason why unemployment among men of draft age has been higher than the national average.

These disadvantages stem from the first major flaw which I find in our draft system, the policy of "the oldest first." The second flaw, liberal granting of deferments, is closely intertwined with the first.

Under the present deferment policy, linked with the "oldest first" system, thousands of men escape military service by compounding their deferments for college, graduate school and dependency past the age of 26. And this, of course, presents inequalities which amount to a class bias. Those who can afford to study and to support families at the same time avoid military service at the expense of those who have neither the intellectual nor financial resources to compound these deferments.

It has been suggested before this Committee that we draft those men between the ages of 26 and 34 who have not served and are still childless.

There are now some 10 million men between the ages of 19 and 26 who have not yet served, and an additional two million coming of draft age each year. When we consider this available manpower pool, the fact that we might find it necessary simply in the interests of equity to take married men in their 30's away from their wives and careers to meet an annual draft need of only 350,000 vividly illustrates the defects of the present system.

The studies I have seen show that the highest incidence of the draft is among the educational middle class; the lowest incidence is among the educational upper class; with the educational lower class somewhere in between because of a higher rate of failure on mental and physical tests. It also appears that the draft has a higher incidence among non-white Americans. Defense Department statistics for example, showed that in fiscal year 1965 more than 16 per cent of those drafted were non-whites, whereas only 11 per cent of the total draft population is non-white.

These, then are the two major problems I find in the present draft system: the uncertainty caused by drafting the oldest first, and the inequity caused by granting liberal deferments. These problems are likely to become more acute as the expansion of our manpower pool creates a situation in which smaller and smaller proportions of the men classified 1A reaching age 26 actually serve. At this stage, the problems of finding further rational and fair policy distinctions for deferments of large groups of draft-age men creates as well a serious inflexibility in the system.

General Hershey in his testimony before this Committee emphasized the importance of the present deferment system as a means of influencing people to train themselves and to use the skills they acquire in work critical to the nation. I am skeptical about this so-called "channeling function" of the draft. To begin with, it has never been explicitly authorized by Congress as a function of the Selective Service System. Furthermore, I would doubt that the System has had any more than marginal success in exerting this channeling to increase this nation's supply of scientists, engineers, and other critical specialties. And as the draft in the peacetime future works to affect fewer people, the capacity of the system to channel diminishes. Finally, and most important, even if it were true that the channeling effect of this deferment policy were substantial, I would have serious reservations about using it as an incentive. It rewards evasive behavior and motivates people for the wrong reasons.

Because of what I consider these basic defects in the present Selective Service System, I have urged in recent months that Congress conduct an intensive review of possible alternatives to this system, with a view toward finding a method which could meet our manpower requirements, insure an equitable distribution of the military service obligation, and provide for the induction of young men at an early age.

I think an age-class lottery system might well provide such an alternative.

In an age-class lottery system all men reaching the age of 18 would be examined by their local draft boards. Those found physically and mentally qualified—and only those—would be assigned a number by their local boards. After these numbers were assigned, the Selective Service System would conduct a national drawing. It would put into a "fishbowl" as many numbers as the largest local draft board in the country had registrants, then draw out each number and make a record of the order in which it appeared. Each local board would receive a copy of this list. The men whose numbers were selected first, and were therefore higher on the list, would be called first by their local boards. Let's assume that the first number chosen in the drawing was 508. Every eligible draftee in every local board who held the number 508 would know that he would be called up first in the next draft call. Every eligible draftee who held a number near the bottom of the list would know that he would be drafted only in the event of a national emergency.

Each number would of course represent a different quota of men: 508 would be held by fewer men than 35 because fewer local boards have 508 men. Before issuing a draft call, the Selective Service System would decide how many men it needed, then compute how many numbers would have to be called to supply that many men. Registrants whose numbers were not reached during the year of their draw would go to the bottom of the next year's list. They would remain eligible for the draft, but it is not likely that they would be called unless military manpower requirements increased enormously. But this would not be an exemption. They could be called in an emergency; they would merely be in a better position to plan their futures.

Thus all physically and mentally qualified men would stand an equal chance of selection at the time the lottery was held for their age class, presumably during their 19th year. No deferments would be made for marriage, fatherhood, dependence or occupation, except in cases of extreme hardship. Retention of the deferment for extreme hardship would enable local boards to decide pressing hardship cases on the merits of a particular case, thereby retaining flexibility and compassion in the system.

Educational deferments might be granted for a limited period of time of up to four years, but they would in reality be merely postponements. Those students who wished to finish college before participating in the lottery would have to take their chances when they completed college with the 19 year old age group in that year's lottery. There would be no deferment for graduate school, and it would no longer be possible to compound deferments in order to reach the age of 26 and in practical effect escape the draft altogether. The continuation of the doctor's draft would be the only exception to the rule. The problem of physicians' has been handled as a special case under our draft laws for many years, and I see no reason for not continuing to so treat it. Those graduating college who go onto medical school would not go into the lottery. They would be called, if at all, after completion of their studies under a special doctors draft.

Under this system the average age of induction would remain about 20, which, as I understand it, is desirable both from the viewpoint of the armed forces and from that of those eligible for the draft.

This system would also have an equitable impact. Everyone qualified—rich or poor, college or noncollege, married or single—would have to take his chances in the lottery, in most cases at age 19, when differences in education, occupation, and marital status are less than they are subsequently.

The lottery would also be flexible and responsive to military needs because the number of men who would actually be called in any one year could be increased or decreased without interfering with the operation of the system, and without affecting deferments. An increase, for instance, would simply mean that the local boards would reach further down into those men whose numbers appeared lower down on the list. It is true that under a lottery system, the rate of enlistments might decline, because of the greater certainty of those not drafted in their lottery that they would not be called later. But since those who do serve would not yet have civilian careers to return to it seems likely that the rate of re-enlistment should

rise to compensate for the decline, and this could be further encouraged by increasing military pay scales.

One of the greatest benefits of this kind of lottery would come from ending the hardships I have mentioned which stem from the present practice of calling up oldest men first.

Drafting men from the 18½ and 19 year old group by lottery would virtually eliminate uncertainty. Every young man would know whether he was likely to be called, from his position on the list in comparison with the expected manpower needs of that year. Those whose numbers were not called during the fiscal year of one year's draw would go to the bottom of the next year's lottery list. They would still be subject to call. But, given the growing condition of manpower oversupply, they would know they were not likely to be called except in conditions of great national emergency.

Furthermore, the lottery system would cause less disruption in the lives of draft-eligible youths. Men 19 years old are much less likely to have started families or begun well paying jobs than men a few years their senior. Their personal or career plans are often undecided. The draft wouldn't hit them as hard.

Drafting 19 year olds by lot, furthermore, would not threaten the nation's pool of important domestic skills, because few 19 year olds have acquired special skills. Add to these considerations the fact that younger draftees often make the best soldiers, because they are at their physical peak and are easier to train, and taken together, the arguments for the lottery are persuasive.

The lottery is not a revolutionary idea. It was used in this country in the Civil War and in the early stages of World Wars I and II. It is now being used in West Germany, Australia, the Philippines, Bolivia, Chile, Colombia and Venezuela. The United States, it is true, switched from the lottery approach in World War II. But, as I understand it, this was done not because the lottery didn't work but because the country was then engaged in a total mobilization in which a method designed to select only a few from the many was no longer appropriate.

I think there are a number of approaches to solving the problems created by the draft. I am concerned only in finding a method of selection which produces the best results. The lottery may be able to do this. Adopting the lottery system would not mean that we had given up on resolving the complexities of the draft. But it would mean that we had decided on a method of selection around which we could build certain rules to make the draft more workable and equitable than it is today.

The lottery is a sound foundation for a draft system. It is based on random selection, but this does not mean mindless or arbitrary selection. The lottery generally makes every qualified young man equally liable to compulsory selective military service at the time in a young man's life when the differences between him and his peers are least significant. In so doing it eliminates many of the present system's inequities without posing a threat to our national need for educated and highly skilled citizens. To me, this is the make of an eminently sensible system—not at all mindless in intent nor arbitrary in results.

Other suggestions have been made which eliminate the problem of selection methods altogether; that is, draft all or draft none. This would mean either Universal Military Service or a professional army.

Let us first consider Universal Military Service. At the outset we face the question of cost. Customary proposals for UMS propose that every young man of draft age be given at least six months training in the military. But this would mean that our defense costs would rise several billion dollars a year. And it would mean that we were spending a great amount of money to train men without regard to our manpower needs, simply for the purpose of getting everyone in the service. It hardly seems wise to swell our ranks of servicemen just to assure that every young man participates. Universal Military Service is not the solution, and it has been largely discredited.

A variation on this idea, however, has received considerable public notice in recent weeks. This is the plan suggested by Secretary McNamara, by which young men would perform some kind of public service to the nation, either in the military or in a civilian capacity in programs such as the Peace Corps, the War on Poverty, VISTA, teaching, public health, or others.

There is much to be said for the theory underlying this idea. As James Reston of the New York Times wrote, it is "a new concept of national service in which all young people in America can acquire a sense of purpose and an opportunity for service at home and abroad."

I think that in the years to come this concept of national service in non-military pursuits will grow in stature as a means of fulfilling an individual's desire to contribute to the world. But I do not think that in its present form it is a realistic alternative to our present draft system.

For instance: there are now more than 32 million young men registered in our Selective Service System, with some two million more reaching draft age each year. It would be extremely difficult to absorb all or even a substantial number of these people into existing military and non-military programs. This restructing would take years to accomplish, and would pose serious problems in drawing the line between equivalent and non-equivalent service. I for one would find it hard to accept the idea that the government should decree what work is socially valuable and what is not.

Moreover, the costs involved in such universalization of service are staggering to contemplate. Assuming that it costs $8,000 a year to train and maintain each person drafted for national service, the costs of universal service would almost certainly amount to almost 20 billion dollars each year just for those coming of draft age. This does not take into consideration the social costs involved in the career postponement created, as well as the effect on the civilian labor market.

I recognize that in the long run the work performed by this enormous corps of young men might more than compensate for the cost involved. But unless the costs can be reduced considerably, I do not believe that over the short run the result would be worth the price.

Finally—and most important—I have serious reservations about the wisdom of making non-military national service compulsory. We have a long tradition in America of limiting compulsory service to military service in defense of our country. Young men now take part in the Peace Corps, VISTA, or the Public Health Service as volunteers and in many ways the spirit of these programs is a product of their voluntary nature. If such service were compulsory, the essential value of the programs might well be destroyed. And surely it would be ironic if in seeking to eliminate the inequalities facing thousands of draft-age Americans, we inhibited the freedom of millions.

There may be some intangible scale by which we can weigh military against non-military service, preserving freedom of choice while meeting our military requirements. But until it is found, I think that universal national service cannot stand alone as an alternative to our present draft system.

I do think, however, that Congress should consider a system of combining voluntary non-military public service with the lottery system.

It might be possible, for example, to encourage young men not chosen in the lottery to volunteer for service in the Peace Corps, VISTA, or other designated public service by offering them certain military benefits such as the Cold War GI bill.

Another possibility would be combining the lottery with "alternative" non-draft national service. Young men facing the lottery could choose instead a specified alternative service on terms defined by Congress. They could take their chances for military service in the lottery or choose the certainty of a commitment to service in a non-military program. To make the choices most equivalent, we could consider making non-military service of a longer duration, say three years in the Peace Corps, and at lower pay than military service. This could be especially effective in stimulating young men to enter non-military service during peacetime.

If we want to go beyond the proposals which I have listed, the only long-range alternative to our present system seems to be complete dependence on a professional army to meet our military manpower needs.

The question of eliminating the draft altogether in the near future is complex, but it certainly deserves our closest attention. Everyone seems to agree that if the pay were high enough and other incentives strong enough, the armed services could meet our military manpower needs purely on the basis of volunteers. But then the question is, how high must we go? Eliminating the draft would reduce the number of volunteers, because many young men volunteer for the service with the draft hanging over their heads. Those who argue against eliminating the draft say it would cost billions of dollars to attract enough career servicemen to fill our needs. Presumably it would cost billions, but how many? Estimates by the Defense Department range from some four billion dollars a year to some twenty billion. I realize that any estimate of this kind must involve educated guesses about fluctuations in the domestic labor market. But I find it hard to believe that we cannot perform a manpower study which would indicate with more precision whether the cost of eliminating the draft would more likely be four billion dollars or twenty billion dollars, or some figure between.

It is truly important that we have a close estimate of this cost. Eliminating the draft altogether is undoubtedly worth some additional expense to this country, in view of savings it would mean in terms of reduced training costs because of a lower military turnover and the intrinsic benefits of a strictly voluntary system which did not require compulsory service.

Perhaps it would be too costly. But we should have a firm and reliable judgment on just how costly it is likely to be. Or perhaps complete reliance on a voluntary army would cripple our military flexibility in an emergency. But even if that were the case, can we not reduce considerably our reliance on the draft by bringing sensible revisions to our present system?

It may well be that such revisions within the present system are all that we can hope to accomplish next year. I recognize, as we all must, that problems of transition would be created by a drastic overhaul of our Selective Service System. These problems would be accentuated, of course, if the transition were attempted at a time when we are fighting a war such as Vietnam, when emotions are high and gross discriminations are likely to be injected.

For that reason it may be that a total revision of the draft along the lines I have outlined would not be possible next year. Only time will tell. But we must begin to lay the groundwork now so that we will be ready to act next year if it is possible to do so. And if we are to lay that groundwork, then it is essential that the long overdue Defense Department study of our military manpower system be released and its conclusions and recommendations presented to the Congress

at the earliest possible opportunity. Once we have that study before us, we can then determine how best to proceed to a final resolution of the question.

If the world situation makes total revision next year infeasible, then I strongly urge two things:

That Congress next year consider extending the present draft law, not for four years as it has in the past, but for only one year until June 1968. In that way, the urgent question of total reform will be kept in the forefront of public debate, not thrown on the pile of unfinished business as it has been in the past.

That in order to reduce our reliance on the draft, and to make the present system more efficient and equitable, Congress examine the wisdom of the following changes within the present system:

First: Abolish the system of state quotas by revising Section 5(b) of the Selective Service to place the sequence of induction on a national basis.

Under the present state quota system, the sequence of priorities we set for induction as a matter of national policy cannot be followed uniformly on a national basis. I agree that the classification of registrants and the determination of who is to be called for examination should be done by local boards, which are in the best position to judge the merits of individual cases. But though local boards should continue to classify, the sequence of induction should be controlled through a national pool drawn at random, not through state quotas. This is the only way our draft system can accurately reflect national policies rather than the accidents of geography.

Second: Establish national guidelines for local boards to follow wherever possible. Present national standards are so imprecise that drafting practices of boards in one state may differ radically from those of boards in another state. There is no national order or priority for reconsideration of deferments when an expansion of the 1A pool becomes necessary, and there are no firm criteria established for deciding student or occupational deferments or physical disabilities.

Third: Introduce computer techniques and technology to increase administrative efficiency. A recent study indicates that there are approximately 450,000 men in the 1A pool for whom the paperwork for induction had not been completed. Clogs such as this in the bureaucratic pipeline mean unnecessary inequities and inefficiencies. Administering the draft is a far more complex problem today than it was 15 years ago. Yet no serious effort has been made to introduce the scientific aids to administration developed during this period.

Fourth: Revise the system of mental and physical qualifications. We should make more extensive use of those young men presently classified 1Y by establishing a broader category of limited service and by providing remedial medical and educational assistance either within or without the military establishment to the some 10,000 men who volunteer for service each month but do not qualify. A large percentage of those presently found unqualified for military service could be habilitated with a minimum of tutoring or remedial medical care. Such habilitation would both increase the pool of those able and anxious to serve and increase the capability of these young Americans to live a more productive life.

Congress should also consider ending the requirement that all who serve must physically qualify for combat. Non-combat occupations make up four fifths of our military service requirements, and it should be possible to waive certain arbitrary physical qualifications for service in non-combatant occupations.

Furthermore, the present test system for establishing mental qualifications should also be revised to permit high school dropouts to qualify with the same score as high school graduates and to base mental qualification on absolute incapacity rather than on a percentile standing.

Fifth: Hire civilians for non-combatant jobs wherever possible.

The Defense Department has made some progress in this area, but there is every indication that a great many more jobs in the military could be performed by civilian employees. Moreover, those jobs need not be restricted to those requiring minor skills such as typing, clerking and maintenance. We should be able to fill highly specialized occupations in the modern military service with civilians possessing high skills, and in this way economize on the present wasteful experience of training military personnel in specialized military training facilities at high expense and then losing many of them to private industry.

Sixth: Improve the scale of military pay and fringe benefits to a level more competitive with civilian employment.

It is only by steps in this direction that we can determine on the basis of actual experience to what extent we can reduce our reliance on the draft to meet our military manpower needs. Gradual movement in this direction could well serve in the end to realize a net saving to the government while both increasing the professional quality of our armed forces and minimizing the draft burden for our youth as a whole.

Instituting these changes, where feasible, could improve the workings of the existing system. But I think it important to stress my strong feeling that such piece-meal modifications will not eliminate the basic defects I have noted. For that reason, I emphasize again my conviction that we should seriously consider discarding the present system altogether, and replacing it with the lottery method of selection.

Mr. Chairman, I am not wedded to any specific position on the subject of the draft, although I do strongly support giving serious consideration to the introduction of the lottery method of selection. I have tried to educate myself as best I can in the workings of the system and the alternatives before us. Some say the present draft system is the best we can devise. But I am not convinced; I think we can do better. In any event, it is incumbent on all of us here in Congress to make every effort to insure that what President Kennedy called the "burden of freedom" is carried in the fairest possible way.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

FEDERAL EMPLOYEES PAY ACT OF 1966

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1153, H.R. 14122, the so-called Federal pay raise bill. I do this so that it may become the pending business.

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

The LEGISLATIVE CLERK. A bill (H.R. 14122) to adjust the rates of basic compensation of certain emloyees of the Federal Government and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Post Office and Civil Service, with an amendment, to strike out all after the enacting clause and insert:

That this Act may be cited as the "Federal Salary and Fringe Benefits Act of 1966".

TITLE I—EXECUTIVE BRANCH

Short title

SEC. 101. This title may be cited as the "Federal Employees Salary Act of 1966".

Employees subject to Classification Act of 1949

SEC. 102. (a) Section 603(b) of the Classification Act of 1949, as amended (79 Stat. 1111; 5 U.S.C. 1113(b)), is amended to read as follows:

"(b) The compensation schedule for the General Schedule shall be as follows:

"Grade	Per annum rates and steps									
	1	2	3	4	5	6	7	8	9	10
GS-1	$3,609	$3,731	$3,853	$3,975	$4,097	$4,219	$4,341	$4,463	$4,585	$4,707
GS-2	3,925	4,058	4,191	4,324	4,457	4,590	4,723	4,856	4,989	5,122
GS-3	4,269	4,413	4,557	4,701	4,845	4,989	5,133	5,277	5,421	5,565
GS-4	4,776	4,936	5,096	5,256	5,416	5,576	5,736	5,896	6,056	6,216
GS-5	5,331	5,507	5,683	5,859	6,035	6,211	6,387	6,563	6,739	6,915
GS-6	5,867	6,065	6,263	6,461	6,659	6,857	7,055	7,253	7,451	7,649
GS-7	6,451	6,664	6,877	7,090	7,303	7,516	7,729	7,942	8,155	8,368
GS-8	7,068	7,303	7,538	7,773	8,008	8,243	8,478	8,713	8,948	9,183
GS-9	7,696	7,957	8,218	8,479	8,740	9,001	9,262	9,523	9,784	10,045
GS-10	8,421	8,709	8,997	9,285	9,573	9,861	10,149	10,437	10,725	11,013
GS-11	9,221	9,536	9,851	10,166	10,481	10,796	11,111	11,426	11,741	12,056
GS-12	10,927	11,306	11,685	12,064	12,443	12,822	13,201	13,580	13,959	14,338
GS-13	12,873	13,321	13,769	14,217	14,665	15,113	15,561	16,009	16,457	16,905
GS-14	15,106	15,629	16,152	16,675	17,198	17,721	18,244	18,767	19,290	19,813
GS-15	17,550	18,157	18,764	19,371	19,978	20,585	21,192	21,799	22,406	23,013
GS-16	20,075	20,745	21,415	22,085	22,755	23,425	24,095	24,765	25,435	-------
GS-17	22,760	23,520	24,280	25,040	25,800	-------	-------	-------	-------	-------
GS-18	25,890	-------	-------	-------	-------	-------	-------	-------	-------	-------

(b) Except as provided in section 504(d) of the Federal Salary Reform Act of 1962 (78 Stat. 412; 5 U.S.C. 1173(d)), the rates of basic compensation of officers and employees to whom the compensation schedule set forth in subsection (a) of this section applies shall be initially adjusted as of the effective date of this section, as follows:

(1) If the officer or employee is receiving basic compensation immediately prior to the effective date of this section at one of the rates of a grade in the General Schedule of the Classification Act of 1949, as amended, he shall receive a rate of basic compensation at the corresponding rate in effect on and after such date.

(2) If the officer or employee is receiving basic compensation immediately prior to the effective date of this section at a rate between two rates of a grade in the General Schedule of the Classification Act of 1949, as amended, he shall receive a rate of basic compensation at the higher of the two corresponding rates in effect on and after such date.

(3) If the officer or employee is receiving basic compensation immediately prior to the effective date of this section at a rate in ex-

cess of the maximum rate for his grade, he shall receive (A) the maximum rate for his grade in the new schedule, or (B) his existing rate of basic compensation if such existing rate is higher.

(4) If the officer or employee, immediately prior to the effective date of this section, is receiving, pursuant to section 2(b)(4) of the Federal Employees Salary Increase Act of 1955, an existing aggregate rate of compensation determined under section 208(b) of the Act of September 1, 1954 (68 Stat. 1111), plus subsequent increases authorized by law, he shall receive an aggregate rate of compensation equal to the sum of his existing aggregate rate of compensation, on the day preceding the effective date of this section, plus the amount of increase made by this section in the maximum rate of his grade, until (i) he leaves his position, or (ii) he is entitled to receive aggregate compensation at a higher rate by reason of the operation of this Act or any other provision of law; but, when such position becomes vacant, the aggregate rate of compensation of any subsequent appointee thereto shall be fixed in accordance with applicable provisions of law. Subject to clauses (i) and (ii) of the immediately preceding sentence of this paragraph, the amount of the increase provided by this section shall be held and considered for the purposes of section 208(b) of the Act of September 1, 1954, to constitute a part of the existing rate of compensation of the employee.

New appointments under Classification Act of 1949

SEC. 103. Section 801 of the Classification Act of 1949, as amended (78 Stat. 401; 5 U.S.C. 1131), relating to new appointments, is amended by striking out "grade 13" and inserting in lieu thereof "grade 11".

Postal Field Service employees

SEC. 104. (a) Section 3542(a) of title 39, United States Code, is amended to read as follows:

"(a) There is established a basic compensation schedule for positions in the postal field service which shall be known as the Postal Field Service Schedule and for which the symbol shall be 'PFS'. Except as provided in sections 3543 and 3544 of this title, basic compensation shall be paid to all employees in accordance with such schedule.

"POSTAL FIELD SERVICE SCHEDULE

"PFS	Per annum rates and steps											
	1	2	3	4	5	6	7	8	9	10	11	12
1	$4,204	$4,343	$4,482	$4,621	$4,760	$4,899	$5,038	$5,177	$5,316	$5,455	$5,594	$5,733
2	4,552	4,701	4,850	4,999	5,148	5,297	5,446	5,595	5,744	5,893	6,042	6,191
3	4,919	5,085	5,251	5,417	5,583	5,749	5,915	6,081	6,247	6,413	6,579	6,745
4	5,331	5,507	5,683	5,859	6,035	6,211	6,387	6,563	6,739	6,915	7,091	7,267
5	5,697	5,888	6,079	6,270	6,461	6,652	6,843	7,034	7,225	7,416	7,607	7,798
6	6,113	6,316	6,519	6,722	6,925	7,128	7,331	7,534	7,737	7,940	8,143	8,346
7	6,545	6,763	6,981	7,199	7,417	7,635	7,853	8,071	8,289	8,507	8,725	------
8	7,088	7,323	7,558	7,793	8,028	8,263	8,498	8,733	8,968	9,203	--------	------
9	7,665	7,920	8,175	8,430	8,685	8,940	9,195	9,450	9,705	9,960	--------	------
10	8,345	8,628	8,911	9,194	9,477	9,760	10,043	10,326	10,609	10,892	--------	------
11	9,221	9,536	9,851	10,166	10,481	10,796	11,111	11,426	11,741	12,056	--------	------
12	10,202	10,549	10,896	11,243	11,590	11,937	12,284	12,631	12,978	13,325	--------	------
13	11,274	11,663	12,052	12,441	12,830	13,219	13,608	13,997	14,386	14,775	--------	------
14	12,427	12,859	13,291	13,723	14,155	14,587	15,019	15,451	15,883	16,315	--------	------
15	13,736	14,210	14,684	15,158	15,632	16,106	16,580	17,054	17,528	18,002	--------	------
16	15,179	15,707	16,235	16,763	17,291	17,819	18,347	18,875	19,403	19,931	--------	------
17	16,793	17,380	17,967	18,554	19,141	19,728	20,315	20,902	21,489	22,076	--------	------
18	18,530	19,145	19,760	20,375	20,990	21,605	22,220	22,835	23,450	24,065	--------	------
19	20,525	21,210	21,895	22,580	23,265	23,950	24,635	25,320	--------	--------	--------	------
20	22,760	23,520	24,280	25,040	25,800	--------	--------	--------	--------	--------	--------	------"

(b) Section 3543(a) of title 39, United States Code, is amended to read as follows:

"(a) There is established a basic compensation schedule which shall be known as the Rural Carrier Schedule and for which the symbol shall be 'RCS'. Compensation shall be paid to rural carriers in accordance with this schedule.

"RURAL CARRIER SCHEDULE

	"Per annum rates and steps											
	1	2	3	4	5	6	7	8	9	10	11	12
Carrier in rural delivery service:												
Fixed compensation per annum	$2,391	$2,507	$2,623	$2,739	$2,855	$2,971	$3,087	$3,203	$3,319	$3,435	$3,551	$3,667
Compensation per mile per annum for each mile up to 30 miles of route	88	90	92	94	96	98	100	102	104	106	108	110
For each mile of route over 30 miles	25	25	25	25	25	25	25	25	25	25	25	25".

(c) Section 3544(a) of title 39, United States Code, is amended to read as follows:

"(a) There is established a basic compensation schedule, which shall be known as the Fourth Class Office Schedule and for which the symbol shall be 'FOS', for postmasters in post offices of the fourth class, which is based on the revenue units of the post office for the preceding fiscal year. Basic compensation shall be paid to postmasters in post offices of the fourth class in accordance with this schedule.

"FOURTH CLASS OFFICE SCHEDULE

"Revenue units	Per annum rates and steps											
	1	2	3	4	5	6	7	8	9	10	11	12
30 but fewer than 36	$4,019	$4,152	$4,285	$4,418	$4,551	$4,684	$4,817	$4,950	$5,083	$5,216	$5,349	$5,482
24 but fewer than 30	3,715	3,837	3,959	4,081	4,203	4,325	4,447	4,569	4,691	4,813	4,935	5,057
18 but fewer than 24	3,064	3,168	3,272	3,376	3,480	3,584	3,688	3,792	3,896	4,000	4,104	4,208
12 but fewer than 18	2,407	2,485	2,563	2,641	2,719	2,797	2,875	2,953	3,031	3,109	3,187	3,265
6 but fewer than 12	1,736	1,791	1,846	1,901	1,956	2,011	2,066	2,121	2,176	2,231	2,286	2,341
Fewer than 6	1,398	1,443	1,488	1,533	1,578	1,623	1,668	1,713	1,758	1,803	1,848	1,893".

(d) The basic compensation of each employee subject to the Postal Field Service Schedule, the Rural Carrier Schedule, or the Fourth Class Office Schedule immediately prior to the effective date of this section shall be determined as follows:

(1) Each employee shall be assigned to the same numerical step for his position which he had attained immediately prior to such effective date. If changes in levels or steps would otherwise occur on such effective date without regard to enactment of this Act, such changes shall be deemed to have occurred prior to conversion.

(2) If the existing basic compensation is greater than the rate to which the employee is converted under paragraph (1) of this subsection, the employee shall be placed in the lowest step which exceeds his basic compensation. If the existing basic compensation exceeds the maximum step of his position, his existing basic compensation shall be established as his basic compensation.

Employees in the Department of Medicine and Surgery of the Veterans' Administration

SEC. 105. Section 4107 of title 38, United States Code, relating to grades and pay scales for certain positions within the Department of Medicine and Surgery of the Veterans' Administration, is amended to read as follows:

"§ 4107. Grades and pay scales

"(a) The per annum full-pay scale or ranges for positions provided in section 4103 of this title, other than Chief Medical Director and Deputy Chief Medical Director, shall be as follows:

"Section 4103 schedule

"Assistant Chief Medical Director, $25,890.

"Medical Director, $22,760 maximum to $25,800 maximum.

"Director of Nursing Service, $17,550 minimum to $23,013 maximum.

"Director of Chaplain Service, $17,550 minimum to $23,013 maximum.

"Chief Pharmacist, $17,550 minimum to $23,013 maximum.

"Chief Dietitian, $17,550 minimum to $23,013 maximum.

"(b)(1) The grades and per annum full-pay ranges for positions provided in paragraph (1) of section 4104 of this title shall be as follows:

"Physician and dentist schedule

"Director grade, $20,075 minimum to $25,435 maximum.

"Executive grade, $18,730 minimum to $24,355 maximum.

"Chief grade, $17,550 minimum to $23,013 maximum.

"Senior grade, $15,106 minimum to $19,813 maximum.

"Intermediate grade, $12,873 minimum to $16,905 maximum.

"Full grade, $10,927 minimum to $14,338 maximum.

"Associate grade, $9,221 minimum to $12,056 maximum.

"Nurse schedule

"Assistant Director grade, $15,106 minimum to $19,813 maximum.

"Chief grade, $12,873 minimum to $16,905 maximum.

"Senior grade, $10,927 minimum to $14,338 maximum.

"Intermediate grade, $9,221 minimum to $12,056 maximum.

"Full grade, $7,696 minimum to $10,045 maximum.

"Associate grade, $6,730 minimum to $8,749 maximum.

"Junior grade, $5,867 minimum to $7,649 maximum.

"(2) No person may hold the director grade unless he is serving as a director of a hospital, domiciliary, center, or outpatient clinic (independent). No person may hold the executive grade unless he holds the position of chief of staff at a hospital, center, or outpatient clinic (independent), or the position of clinic director at an outpatient clinic, or comparable position."

Foreign service officers; staff officers and employees

SEC. 106. (a) The fourth sentence of section 412 of the Foreign Service Act of 1946, as amended (22 U.S.C. 867), is amended to read as follows: "The per annum salaries of Foreign Service officers within each of the other classes shall be as follows:

"Class 1	$23,935	$24,770	$25,890				
Class 2	19,333	20,004	20,675	$21,347	$22,018	$22,689	$23,360
Class 3	15,841	16,391	16,941	17,491	18,041	18,591	19,141
Class 4	12,873	13,321	13,769	14,217	14,665	15,113	15,561
Class 5	10,062	10,970	11,338	11,706	12,074	12,442	12,810
Class 6	8,843	9,147	9,451	9,755	10,059	10,363	10,667
Class 7	7,473	7,724	7,975	8,226	8,477	8,728	8,979
Class 8	6,451	6,664	6,877	7,090	7,303	7,516	7,729"

(b) The second sentence of subsection (a) of section 415 of such Act (22 U.S.C. 870(a)) is amended to read as follows: "The per annum salaries of such staff officers and employees within each class shall be as follows:

"Class 1	$15,841	$16,391	$16,941	$17,491	$18,041	$18,591	$19,141	$19,691	$20,241	$20,791
Class 2	12,873	13,321	13,769	14,217	14,665	15,113	15,561	16,009	16,457	16,905
Class 3	10,602	10,970	11,338	11,706	12,074	12,442	12,810	13,178	13,546	13,914
Class 4	8,843	9,147	9,451	9,755	10,059	10,363	10,667	10,971	11,275	11,579
Class 5	7,974	8,246	8,518	8,790	9,062	9,334	9,606	9,878	10,150	10,422
Class 6	7,201	7,441	7,681	7,921	8,161	8,401	8,641	8,881	9,121	9,361
Class 7	6,614	6,832	7,050	7,268	7,486	7,704	7,922	8,140	8,358	8,576
Class 8	5,853	6,051	6,249	6,447	6,645	6,843	7,041	7,239	7,437	7,635
Class 9	5,341	5,517	5,693	5,869	6,045	6,221	6,397	6,573	6,749	6,925
Class 10	4,776	4,936	5,096	5,256	5,416	5,576	5,736	5,896	6,056	6,216".

(c) Foreign Service officers, Reserve officers, and Foreign Service staff officers and employees who are entitled to receive basic compensation immediately prior to the effective date of this section at one of the rates provided by section 412 or 415 of the Foreign Service Act of 1946 shall receive basic compensation, on and after such effective date, at the rate of their class determined to be appropriate by the Secretary of State.

Agricultural stabilization and conservation county committee employees

SEC. 107. The rates of compensation of persons employed by the county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) shall be increased by amounts equal, as nearly as may be practicable, to the increases provided by section 102(a) of this title for corresponding rates of compensation.

Salary rates fixed by administrative action

SEC. 108. (a) The rates of basic compensation of assistant United States attorneys whose basic salaries are fixed pursuant to section 508 of title 28, United States Code, shall be increased, effective on the effective date of section 102 of this title, by amounts equal, as nearly as may be practicable, to the increases provided by section 102(a) of this title for corresponding rates of compensation.

(b) Notwithstanding section 3679 of the Revised Statutes, as amended (31 U.S.C. 665), the rates of compensation of officers and employees of the Federal Government and of the municipal government of the District of Columbia whose rates of compensation are fixed by administrative action pursuant to law and are not otherwise increased by this Act are hereby authorized to be increased, effective on the effective date of section 102 of this title, by amounts not to exceed the increases provided by this title for corresponding rates of compensation in the appropriate schedule or scale of pay.

(c) Nothing contained in this section shall be held or considered to authorize any increase in the rates of compensation of officers and employees whose rates of compensation are fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates or practices.

(d) Nothing contained in this section shall affect the authority contained in any law pursuant to which rates of compensation may be fixed by administrative action.

Effective dates

SEC. 109. This title shall become effective as follows:

(1) This section and sections 101, 103, and 108 shall become effective on the date of enactment of this Act.

(2) Sections 102, 104, 105, 106, and 107, shall become effective on the first day of the first pay period which begins on or after July 1, 1966.

TITLE II—JUDICIAL BRANCH

Short title

SEC. 201. This title may be cited as the "Federal Judicial Salary Act of 1966".

Judicial branch employees

SEC. 202. (a) The rates of basic compensation of officers and employees in or under the judicial branch of the Government whose rates of compensation are fixed by or pursuant to paragraph (2) of subdivision a of section 62 of the Bankruptcy Act (11 U.S.C. 102(a)(2)), section 3656 of title 18, United States Code, the third sentence of section 603, sections 671 to 675, inclusive, or section 604(a)(5), of title 28, United States Code, insofar as the latter section applies to graded positions, are hereby increased by amounts reflecting the respective applicable increases provided by section 102(a) of title I of this Act in corresponding rates of compensation for officers and employees subject to the Classification Act of 1949, as amended. The rates of basic compensation of officers and employees holding ungraded positions and whose salaries are fixed pursuant to such section 604(a)(5) may be increased by the amounts reflecting the respective applicable increases provided by section 102(a) of title I of this Act in corresponding rates of compensation for officers and employees subject to the Classification Act of 1949, as amended.

(b) The limitations provided by applicable law on the effective date of this section with respect to the aggregate salaries payable to secretaries and law clerks of circuit and district judges are hereby increased by amounts which reflect the respective applicable increases provided by section 102(a) of title I of this Act in corresponding rates of compensation for officers and employees subject to the Classification Act of 1949, as amended.

(c) Section 753(e) of title 28, United States Code (relating to the compensation of court reporters for district courts), is amended by striking out the existing salary limitation contained therein and inserting a new limitation which reflects the respective applicable increases provided by section 102 (a) of title I of this Act in corresponding rates of compensation for officers and employees subject to the Classification Act of 1949, as amended.

Effective dates

SEC. 203. This title shall become effective as follows:

(1) This section and section 201 shall become effective on the date of enactment of this Act.

(2) Section 202 shall become effective on the first day of the first pay period which begins on or after July 1, 1966.

TITLE III—LEGISLATIVE BRANCH

Short title

SEC. 301. This title may be cited as the "Federal Legislative Salary Act of 1966".

Legislative branch employees

SEC. 302. (a) Except as otherwise provided in this title, each officer or employee in or under the legislative branch of the Government, whose rate of compensation is increased by section 5 of the Federal Employees Pay Act of 1946, shall be paid additional compensation at the rate of 2.9 per centum of his gross rate of compensation (basic compensation plus additional compensation authorized by law).

(b) The total annual compensation in effect immediately prior to the effective date of this section of each officer or employee of the House of Representatives, whose compensation is disbursed by the Clerk of the House of Representatives and is not increased by reason of any other provision of this section, shall be increased by 2.9 per centum. Nothwithstanding section 303 of this title or any other provision of this section, the total annual compensation of the Clerk of the House of Representatives and the Sergeant at Arms of the House of Representatives, respectively, shall be an amount which is equal to the total annual compensation of the Secretary of the Senate and the Sergeant at Arms of the Senate, respectively.

(c) The rates of compensation of employees of the House of Representatives whose compensation is fixed by the House Employees Schedule under the House Employees Position Classification Act (78 Stat. 1079–1084; Public Law 88–652; 2 U.S.C. 291–303), including each employee subject to such Act whose compensation is fixed at a saved rate, are hereby increased by amounts equal, as nearly as may be practicable, to the increases provided by subsection (a) of this section.

(d) The additional compensation provided by this section shall be considered a part of basic compensation for the purposes of the Civil Service Retirement Act (5 U.S.C. 2251 and following).

(e) This section shall not apply with respect to the compensation of student congressional interns authorized by House Resolution 416, Eighty-ninth Congress, and the compensation of employees whose compensation is fixed by the House Wage Schedule under the House Employees Position Classification Act.

(f) The basic compensation of each employee in the office of a Senator is hereby adjusted, effective on the effective date of this section, to the lowest multiple of $60 which will provide a gross rate of compensation not less than the gross rate such employee was receiving immediately prior thereto, except that the foregoing provisions of this subsection shall not apply in the case of

any employee if on or before the fifteenth day following the date of enactment of this Act, the Senator by whom such employee is employed notifies the disbursing office of the Senate in writing that he does not wish such provisions to apply to such employee. In any case in which, at the expiration of the time within which a Senator may give notice under this subsection, such Senator is deceased, such notice shall be deemed to have been given.

(g) Notwithstanding the provision referred to in subsection (h), the rates of gross compensation of the Secretary for the Majority of the Senate, the Secretary for the Minority of the Senate, the Chief Reporter of Debates of the Senate, the Parliamentarian of the Senate, the Senior Counsel in the Office of the Legislative Counsel of the Senate, the Chief Clerk of the Senate, the Chaplain of the Senate, and the Postmaster and Assistant Postmaster of the Senate are hereby increased by 2.9 per centum.

(h) The paragraph imposing limitations on basic and gross compensation of officers and employees of the Senate appearing under the heading "SENATE" in the Legislative Appropriations Act, 1956, as amended (74 Stat. 304; Public Law 86-568), is amended by striking out "$23,770" and inserting in lieu thereof "$24,460".

(i) The limitation on gross rate per hour per person provided by applicable law on the effective date of this section with respect to the folding of speeches and pamphlets for the Senate is hereby increased by 2.9 per centum. The amount of such increase shall be computed to the nearest cent, counting one-half cent and over as a whole cent. The provisions of subsection (a) of this section shall not apply to employees whose compensation is subject to such limitation.

Salary increase limitation

SEC. 303. No rate of compensation shall be increased, by reason of the enactment of this title, to an amount in excess of the salary rate now or hereafter in effect for level V of the Federal Executive Salary Schedule.

Effective dates

SEC. 304. This title shall become effective as follows:

(1) This section and section 301 shall become effective on the date of enactment of this Act.

(2) Sections 302 and 303 shall become effective on the first day of the first pay period which begins on or after July 1, 1966.

TITLE IV—MISCELLANEOUS PROVISIONS

Salary steps for certain employees transferred to postal field service

SEC. 401. Section 3551 of title 39, United States Code, is amended by adding at the end thereof the following new subsection:

"(c) The Postmaster General may appoint or advance any Federal employee who, together with his function, is transferred, prior to, on, or after the date of enactment of this subsection, to a post office or other postal installation at or to (1) the minimum rate for his position, or (2) any higher rate for his position which is less than one full step above the highest rate of compensation received by him immediately prior to such transfer.".

Postal seniority adjustments

SEC. 402. (a) The Postmaster General shall advance any employee in the postal field service

(1) who was promoted to a higher level between July 9, 1960, and October 13, 1962;

(2) who is senior with respect to total postal service to an employee in the same post office promoted to the same level on or after October 13, 1962, and is on the effective date of this section in a step in the same level below the step of the junior employee; and

(3) whom the Postmaster General determines is in the same craft and same branch of the Post Office Service as such junior employee.

Such advancement by the Postmaster General shall be to the highest step which is held by any such junior employee. Any increase under the provisions of this subsection shall not constitute an equivalent increase and credit earned prior to adjustment under this subsection for advancement to the next step shall be retained.

(b) Section 3552 of title 39, United States Code, is amended by deleting subsection (d).

Special delivery messengers

SEC. 403. Section 3542(c) of title 39, United States Code, is amended—

(1) by striking out "7 cents per mile or major fraction thereof" and inserting in lieu thereof "10 cents per mile or major fraction thereof"; and

(2) by striking out "90 cents per hour" and inserting in lieu thereof "$1.25 per hour".

Overtime

SEC. 404. (a) Section 201 of the Federal Employees Pay Act of 1945, as amended (5 U.S.C. 911), is amended—

(1) by inserting "or, with the exception of employees engaged in professional or technical engineering or scientific activities for whom the first forty hours of duty in an administrative workweek is the basic workweek and employees whose basic compensation exceeds the minimum rate of grade GS-10 of the Classification Act of 1949, as amended, for whom the first forty hours of duty in an administrative workweek is the basic workweek, in excess of eight hours in a day" immediately following "in excess of forty hours in any administrative workweek"; and

(2) by striking out "grade GS-9" wherever it occurs therein and inserting in lieu thereof "grade GS-10".

(b) Section 202 of such Act, as amended (5 U.S.C. 912), is amended by striking out "grade GS-9" and inserting in lieu thereof "grade GS-10".

(c) Section 401 of such Act, as amended (5 U.S.C. 926), is amended by striking out "grade GS-9" wherever it occurs therein and inserting in lieu thereof "grade GS-10".

(d) Subsections (b) and (c) of section 3573 of title 39, United States Code, are amended by striking out "level PFS-7" and level PFS-8", wherever appearing therein, and inserting in lieu thereof "level PFS-10" and "level PFS-11", respectively.

Sunday premium pay

SEC. 405. (a) The heading of title III of the Federal Employees Pay Act of 1945, as amended, is amended to read as follows:

"TITLE III—COMPENSATION FOR NIGHT, SUNDAY, AND HOLIDAY WORK"

(b)(1) Section 302 of such Act, as amended (5 U.S.C. 922), is redesignated as section 303 of such Act.

(2) Any reference in any provision of law to section 302 of the Federal Employees Pay Act of 1945, which is redesignated as section 303 of such Act by paragraph (1) of this subsection, shall be held and considered to refer to section 303 of such Act, as so redesignated.

(c) Title III of such Act, as amended (5 U.S.C. 921 and following), is amended by inserting immediately following section 301 thereof the following:

"Compensation for Sunday work

"SEC. 302. Any regularly scheduled eight-hour period of service which is not overtime work as defined in section 201 of this Act any part of which is performed within the period commencing at midnight Saturday and ending at midnight Sunday shall be compensated for the entire period of service at the rate of basic compensation of the officer or employee performing such work plus premium compensation at a rate equal to 25 per centum of his rate of basic compensation."

(d) Section 401(1) of such Act, as amended (5 U.S.C. 926(1)), is amended by inserting ", Sunday," immediately following the word "night".

(e) Section 401(2) of such Act, as amended (5 U.S.C. 926(2)), is amended—

(1) by inserting in the first sentence thereof ", on Sundays," immediately following the words "duty at night"; and

(2) by inserting in the second sentence thereof "Sunday," immediately following "night,".

(f) The first paragraph of section 23 of the Independent Offices Appropriation Act, 1935, as amended (5 U.S.C. 673c), is amended by inserting immediately before the period at the end thereof the following: ": *Provided further*, That employees subject to this section whose regular work schedule includes an eight-hour period of service any part of which is within the period commencing at midnight Saturday and ending at midnight Sunday shall be paid extra compensation at the rate of 25 per centum of his hourly rate of basic compensation for each hour of work performed during that eight-hour period of service".

Health and insurance coverage for certain employees on leave without pay

SEC. 406. (a) Section 6 of the Federal Employees' Group Life Insurance Act of 1954, as amended (5 U.S.C. 2095), is amended by adding at the end thereof the following new subsection:

"(d) Notwithstanding the foregoing, an officer or employee who enters on approved leave without pay to serve as a full-time officer or employee of an organization composed primarily of employees, as defined in section 2 of this Act, may, within sixty days after entering on such leave without pay, elect to continue his insurance and arrange to pay currently into the fund, through his employing agency, both employee and agency contributions from the beginning of leave without pay. If he does not so elect, his insurance will continue during nonpay status and terminate as provided in subsection (a) of this section. The employing agency shall forward the premium payments to the fund established by section 5 of this Act."

(b) Section 7(b) of the Federal Employees Health Benefits Act of 1959, as amended (5 U.S.C. 3006(b)), is amended—

(1) by inserting "(1)" immediately following "(b)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) An employee who enters on approved leave without pay to serve as a full-time officer or employee of an organization composed primarily of employees, as defined in section 2 of this Act, may, within sixty days after entering on such leave without pay, file with his employing agency an election to continue his health benefits coverage and arrange to pay currently into the fund, through his employing agency from the beginning of leave without pay, both employee and agency contributions. If he does not so elect, his coverage will terminate as specified in paragraph (1) and implementing regulations. The employing agency shall forward the enrollment charges so paid to the fund."

(c) An officer or employee who is on approved leave without pay and serving as a full-time officer or employee of an organization composed primarily of employees, as defined in section 2 of the Federal Employees' Group Life Insurance Act of 1954, as

amended (5 U.S.C. 2091), or section 2 of the Federal Employees Health Benefits Act of 1959, as amended (5 U.S.C. 3001), as the case may be, may, within sixty days after the date of enactment of this Act, file with his employing agency an election (1) to continue any insurance status or health benefits enrollment, or both, that he has on the date of enactment of this Act, (2) to reacquire any insurance status or health benefits enrollment, or both, which he may have lost while on leave without pay, or (3) to acquire an insured status or enroll in a health benefits plan, or both, if he was never previously eligible to do so, by arranging to pay currently and continuously into the employees' life insurance fund and the employees' health benefits fund, as appropriate, through his employing agency, both employee and agency contributions. The employing agency shall forward such payments to the employees' life insurance fund and the employees' health benefits fund, as appropriate. If he does not so elect, his insurance status and health benefits enrollment will continue and terminate as for other employees in nonpay status, or he will remain ineligible for insurance and health benefits, as the case may be, as though this paragraph had not been enacted. The United States Civil Service Commission is authorized to issue regulations to carry out the purposes of this paragraph.

Increase in uniform allowances

SEC. 407. (a) Section 402 of the Federal Employees Uniform Allowance Act, as amended (5 U.S.C. 2131–2133), is amended by inserting immediately following the second sentence thereof the following new sentence: "In those instances where the agency makes reimbursement direct to the uniform vendor, the head of the agency may deduct a service charge not to exceed 4 per centum."

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

"SEC. 405. Notwithstanding any other provision of this title, each of the respective maximum uniform allowances in effect on April 1, 1966, for the respective categories of employees to whom uniform allowances are paid under this title are hereby increased, subject to the maximum allowance authorized by this title, as follows:

"(1) If the maximum uniform allowance is $100 or more, such allowance shall be increased by 25 per centum.

"(2) If the maximum uniform allowance is $75 or more but less than $100, such allowance shall be increased by 30 per centum.

"(3) If the maximum uniform allowance is $50 or more but less than $75, such allowance shall be increased by 35 per centum.

"(4) If the maximum uniform allowance is less than $50, such allowance shall be increased by 40 per centum.

Such maximum uniform allowances, as in effect on April 1, 1966, and as increased by this section, shall not be reduced.".

SEC. 408. (a) Section 303(c) of the Federal Executive Salary Act of 1964 (78 Stat. 416; Public Law 88–426) is amended by adding at the end thereof the following new paragraph:

"(47) Director of the Federal Mediation and Conciliation Service."

(b) Paragraph (30) of section 303(d) of such Act is hereby repealed.

Effective dates

SEC. 409. This title shall become effective as follows:

(1) This section and sections 401, 406, and 407 shall become effective on the date of enactment of this Act.

(2) Sections 403, 404, and 405 shall become effective on the first day of the first pay period which begins on or after July 1, 1966.

(3) Sections 402 and 408 shall take effect on the first day of the first pay period after the enactment of this Act.

TITLE V—CIVIL SERVICE RETIREMENT

Short title

SEC. 501. This title may be cited as the "Civil Service Retirement Act Amendments of 1966".

Definitions

SEC. 502. Section 1(j) of the Civil Service Retirement Act (5 U.S.C. 2251(j)) is amended by inserting the letter "(d)" after the words "for purposes of section 10"; by striking out the words "received more than one-half of his support from and"; and by striking out the words "twenty-one" and "twenty-first" wherever they occur and inserting in lieu thereof the words "twenty-two" and "twenty-second", respectively.

Retirement coverage for certain employees on leave without pay

SEC. 503. Section 3 of the Civil Service Retirement Act (5 U.S.C. 2253) is amended by adding at the end thereof the following new subsection:

"(k)(1) An employee who enters on approved leave without pay to serve as a full-time officer or employee of an organization composed primarily of employees, as defined in section 1(a) of this Act, may, within sixty days after entering on such leave without pay, file with his employing agency an election to receive full retirement credit for his periods of such leave without pay and arrange to pay currently into the fund, through his employing agency, amounts equal to the retirement deductions and agency contributions which would be applicable if he were in pay status. An employee who is on approved leave without pay and serving as a full-time officer or employee of such an organization on the date of enactment of this subsection may similarly elect within sixty days after such date of enactment. If the election and all payments provided by this paragraph are not made, the employee shall receive no credit for such periods of leave without pay occurring on or after date of enactment of this subsection, notwithstanding the provisions of the second sentence of section 3(c) of this Act.

"(2) An employee may deposit with interest an amount equal to retirement deductions representing any period or periods of approved leave without pay while serving, prior to the date of enactment of this subsection, as a full-time officer or employee of an organization composed primarily of employees, as defined in section 1(a) of this Act, and may receive full retirement credit for such period or periods of leave without pay. In the event of his death, a survivor as defined in section 1(o) of this Act may make such deposit. If the deposit described in this paragraph is not made in full, retirement credit shall be allowed in accordance with the second sentence of section 3(c) of this Act."

Immediate retirement

SEC. 504. (a) Section 6(a) of the Civil Service Retirement Act (5 U.S.C. 2256(a)) is amended to read as follows:

"(a) Any employee who attains the age of fifty-five years and completes thirty years of service shall, upon separation from the service, be paid an annuity computed as provided in section 9."

(b) Section 6(b) of such Act (5 U.S.C. 2256(b)) is amended to read as follows:

"(b) Any employee who attains the age of sixty years and completes twenty years of service shall, upon separation from the service, be paid an annuity computed as provided in section 9."

Annuity computation

SEC. 505. Section 9(d) of such Act (5 U.S.C. 2259 (d)) is amended to read as follows:

"(d) The annuity as hereinbefore provided, for an employee retiring under section 6(d), shall be reduced by one-sixth of 1 per centum for each full month such employee is under the age of fifty-five years at date of separation. The annuity as hereinbefore provided, for a Member retiring under the second or third sentence of section 6(f) or the third sentence of section 8(b), shall be reduced by one-twelfth of 1 per centum for each full month not in excess of sixty, and one-sixth of 1 per centum or each full month in excess of sixty, such Member is under the age of sixty years at date of separation."

Survivor annuities

SEC. 506. (a) Section 10(a)(2) of the Civil Service Retirement Act (5 U.S.C. 2260(a)(2)) is amended to read as follows:

"(2) An annuity computed under this subsection shall commence on the day after the retired employee dies, and such annuity or any right thereto shall terminate on the last day of the month before (A) in the case of the survivor of a retired employee, the survivor's remarriage prior to attaining age sixty, or death or (B) in the case of the survivor of a Member, the survivor's death or remarriage."

(b) The last sentence of section 10(c) of such Act (5 U.S.C. 2260(c)) is amended to read as follows: "The annuity of such widow or dependent widower shall commence on the day after the employee or Member dies, and an annuity under this subsection or any right thereto shall terminate on the last day of the month before (1) the death of the widow or widower, (2) remarriage of the widow or widower of an employee prior to attaining age sixty, (3) remarriage of the widow or widower of a Member regardless of age, or (4) the widower's becoming capable of self-support."

(c) Section 10(d) of such Act (5 U.S.C. 2260(d)) is amended to read as follows:

"(d) If an employee or a Member dies after completing at least five years of civilian service, or an employee or a Member dies after having retired under any provision of this Act, and is survived by a wife or by a husband, each surviving child shall be paid an annuity equal to the smallest of (1) 40 per centum of the employee's or Member's average salary divided by the number of children, (2) $600, or (3) $1,800 divided by the number of children, subject to the provisions of section 18. If such employee or Member is not survived by a wife or husband, each surviving child shall be paid an annuity equal to the smallest of (1) 50 per centum of the employee's or Member's average salary divided by the number of children, (2) $720, or (3) $2,160 divided by the number of children, subject to the provisions of section 18. The commencing date of a child's annuity under this Act or the Act of May 29, 1930, as amended from and after February 28, 1948, shall be deemed to be the day after the employee or Member dies, with payment beginning on that day or beginning or resuming on the first day of the month in which the child later becomes or again becomes a student as described in section 1(j), provided the lump-sum credit, if paid, is returned to the fund. Such annuity shall terminate on the last day of the month before (1) the child's attaining age eighteen unless he is then a student as described or incapable of self-support, (2) his becoming capable of self-support after attaining age eighteen unless he is then such a student, (3) his attaining age twenty-two if he is then such a student and not incapable of self-support, (4) his ceasing to be such a student

after attaining age eighteen unless he is then incapable of self-support, (5) his marriage, or (6) his death, whichever first occurs. Upon the death of the surviving wife or husband or termination of the child's annuity, the annuity of any other child or children shall be recomputed and paid as though such wife, husband, or child had not survived the employee or Member."

(d) Section 10 of such Act (5 U.S.C. 2260) is amended by adding at the end thereof the following subsection:

"(f) In the case of a surviving spouse whose annuity under this section is hereafter terminated because of remarriage before attaining age sixty, annuity at the same rate shall be restored commencing on the day such remarriage is dissolved by death, annulment, or divorce: Provided, That (1) said surviving spouse elects to receive such annuity in lieu of any survivor benefit to which he or she may be entitled, under this or any other retirement system established for employees of the Government, by reason of the remarriage, and (2) any lump sum paid upon termination of the annuity is returned to the fund."

Increases in certain annuities

SEC. 507. Section 18 of the Civil Service Retirement Act (5 U.S.C. 2268) is amended by adding at the end thereof the following subsection:

"(g) Effective on (1) the first day of the second month after the enactment of this Act, or (2) the commencing date of annuity, whichever is later, the annuity of each surviving spouse whose entitlement to annuity payable from the civil service retirement and disability fund resulted from the death of:

"(A) an employee or Member prior to October 11, 1962, or

"(B) a retired employee or Member whose retirement was based on a separation from service prior to October 11, 1962, shall be increased by 10 per centum."

Effective dates

SEC. 508. (a) This section, section 509, and subsections 1(j), 3(k), 6(a), 6(b), 9(d), 10(a)(2), 10(c), 10(d), and 10(f) of the Civil Service Retirement Act, as enacted or amended by this title, shall become effective on the date of enactment of this Act.

(b) Except as provided in section 507 and in subsection (c) of this section, the amendments made by this title to the Civil Service Retirement Act shall not apply in the cases of persons retired or otherwise separated prior to these respective effective dates, and the rights of such persons and their survivors shall continue in the same manner and to the same extent as if this title had not been enacted.

(c) The amendments made by this title to sections 1(j) and 10(d) of the Civil Service Retirement Act relating to payment, continuance, resumption, and termination of annuity to a child who is a student shall apply with respect to children of persons retired or otherwise separated prior to, on, or after the date of enactment of this title, except that no child's annuity shall be paid by reason of these amendments for any period prior to such date of enactment.

Miscellaneous

SEC. 509. The provisions under the heading "Civil Service Retirement and Disability Fund" in title I of the Independent Offices Appropriation Act, 1959 (72 Stat. 1064; Public Law 85-844), shall not apply with respect to benefits resulting from the enactment of this Act.

TITLE VI—FEDERAL EMPLOYEES' HEALTH BENEFITS

SEC. 601. Section 2(d) of the Federal Employees Health Benefits Act of 1959 (73 Stat. 709; 5 U.S.C. 3001(d)) is amended by striking out "twenty-one" wherever it appears therein and inserting in lieu thereof "twenty-two".

SEC. 602. Paragraphs (1) and (2) of section 7(a) of such Act are amended to read as follows:

"(1) Except as provided in paragraph (2) of this subsection, the biweekly Government contributions for health benefits for employees or annuitants enrolled in health benefits plans under this Act, in addition to the contributions required by paragraph (3), shall be $1.62 if the enrollment is for self alone or $3.94 if the enrollment is for self and family, commencing with the first pay period beginning on or after July 1, 1966.

"(2) For an employee or annuitant enrolled in a plan for which the biweekly subscription charge is less than twice the Government contribution established under paragraph (1) of this subsection, the Government contribution shall be 50 per centum of the subscription charge, commencing with the first pay period beginning on or after July 1, 1966."

SENATOR RANDOLPH DISCLOSES AND DEPLORES LACK OF PARITY BETWEEN COAL RESEARCH AND NUCLEAR POWER RESEARCH—SAYS CONVERTING OF COAL INTO ELECTRIC POWER MERITS PROGRAM EQUAL TO PRIORITY GIVEN NUCLEAR EFFORT—URGES THAT COAL INDUSTRY AND CONGRESS ACT PROMPTLY TO CORRECT INEQUITY

Mr. RANDOLPH. Mr. President, during the past year we have witnessed a remarkable growth of nuclear electric power. In 1965, new nuclear plants—with aggregate output capabilities of almost 5 million kilowatts—were announced for construction. This year, additional nuclear plants estimated to be capable of producing almost 8 million kilowatts have been committed for construction, and a number of others are under active consideration. These are not experimental plants. They are large baseload stations to produce electricity for systemwide distribution.

These facts provide further dramatic evidence that nuclear power has developed as a major source of electricity much faster than had been contemplated, even by the Atomic Energy Commission. Milton Shaw, director of the AEC's Division of Reactor Development and Technology, recently submitted to the Joint Committee on Atomic Energy a chart which indicates this accelerated rate growth. He pointed out that the AEC's 1962 report to the President of the United States on the state of the nuclear art projected a total nuclear power capacity of 10.3 million kilowatts by 1975. Based on the latest information about plans of electric utilities, this projection—only 4 years later—has been increased to 36 million kilowatts.

Representative MELVIN PRICE, a member of the Joint Committee, has said in a recent speech that the Atomic Energy Commission has now gone even further in its nuclear prediction. It foresees approximately 80 to 110 million kilowatts of nuclear generated capacity in operation in this country by 1980.

I do not understand why, in view of this phenomenal growth of nuclear power and its acceptance by the utility industry as a dependable source of power, the Atomic Energy Commission has been so reluctant to issue a finding of practical value, as provided by law, covering the type of plant now being built. Such a response would be a recognition of the facts now prevalent in the nuclear power industry. It would accurately confirm the fact that the light water reactors are no longer experimental in nature. They have achieved a state of practical value and, therefore, should be licensed as commercial operations, rather than as experimental ones.

If I am correct in my interpretations, the Commission contends that no one can be sure that the light water reactors have achieved a state of practical value and that they are fully competitive with conventional power sources until the economics have been established through operating experience. Present cost estimates are, we are told, nothing more than estimates—extrapolations of experience in small plants or in the laboratory to the 500,000 kilowatt and larger plants. It is difficult to accept an argument that the management of privately owned electric utilities are willing to gamble hundreds of millions of dollars on plants and facilities the performance of which is as uncertain as the AEC apparently indicates.

Mr. President, I know that, as far as the coal industry is concerned, there is a complete acceptance of the fact that nuclear power is a real and pressing competitor of conventionally generated electricity. The 12 million kilowatts of new nuclear capacity already announced would, if produced in a conventional plant, require 30 million tons of coal a year. Hence, a market loss for at least 30 years to coal is a consequence.

Being a Senator from the Nation's major coal producing State, I am concerned as are West Virginians generally, for the effect the increasing rate of nuclear development will have on coal's electric utility market. I am fully aware that Chairman Seaborg of the Atomic Energy Commission and others have repeatedly issued assurances that nuclear power does not really compete with coal, but is, in effect, a supplementary source of power. They say this is because the demand for electricity is growing at such a fast rate that—despite the introduction of vast amounts of nuclear power into the Nation's energy supply systems—coal will double by 1980.

But we cannot ignore the fact that nuclear power is developing three times faster than the AEC forecast in projections as late as 1962. Further, the fact is that notwithstanding this upsurge in nuclear power the AEC is not retrenching in its multimillion-dollar research and development program to strengthen even further the competitive position of nuclear power.

The reactors now being built are the first generation of commercial nuclear powerplants. They are the product of vast Government expenditures and substantial direct subsidies. It is true that

the Government has now removed itself from the direct subsidy picture, insofar as these light water reactors are concerned. It has terminated subsidies to utilities planning to build such reactors. But the AEC has shifted its emphasis from the light water reactors to so-called advanced converter reactors and to fast breeder reactors.

Mr. President, I emphasize the fact that our Government has not made any move for a redress in the startling imbalance which has long existed between research and development funds for nuclear research and funds for other forms of energy. The disparity continues to grow.

In the current budget, the Office of Coal Research will receive about $8 million to carry on its entire research program into new and improved utilization of coal during fiscal 1967. Coal provides the heat source of more than 50 percent of all of the Nation's electric power. Our coal reserves approximate 800 billion tons, a vast storehouse of potential fuel and energy. Developing new methods for the converting of coal into electric power at lower costs should have a priority equal to that for improved and cheaper nuclear generation of power.

I believe that the disparity is wrong. It cannot be justified. I urge my Senate colleagues to consider the following facts—and help to right this wrong.

The budget reveals a startling and unjust differential between coal and nuclear research financing proposals. For further work on civilian power reactors, AEC is requesting this year in excess of $90 million. It expects to have 20 million to spend on the cooperative demonstration program under which Federal funds will be expended to build and operate various types of nuclear reactors. In addition, $38 million is scheduled to be applied to nuclear safety. Compare this with a request for only $8 million for coal research.

Coal research, of course, needs to be carried forward in a greater degree. Not that we feel that nuclear research is unimportant but we do feel that the Nation will have to look to nuclear power to provide a large share of the immense amount of energy which we will use but we are also going to need the coal resources to generate that power.

Nuclear research is important, and it should be carried on by the AEC. Indeed, the Nation will have to look to nuclear power to provide a large share of the immense amounts of energy which it will use.

But to reach a stage in the development of nuclear technology where nuclear power will become the dominant energy source certainly should not mean, Mr. President, that the Nation should be satisfied with anything less than the ultimate benefits from its plentiful natural resource, coal. We are in the atomic age, but we must remember the fact that this also is the age of coal—the real and dependable work horse of the energy field for many decades.

Our country will need all of its energy resources in the future.

With the huge population increases, with our metropolitan centers pushing ever constantly closer together, it would be a national scandal for a large portion of our coal reserves to remain unusable in the ground because we lacked the foresight to so manage our affairs as to achieve a proper balance between fossil fuels and nuclear power.

There is no denying that the trend today is toward nuclear power. In view of the gigantic expenditures made in recent years on nuclear research and development, it would be surprising if this were not true.

My purpose Mr. President, is to urge that in developing our nuclear future we do not lose sight of the resource represented by our prolific coal reserves.

While continuing research and development on nuclear power, let us devote more of our money and research talent to coal, also.

There are a number of research areas in which sufficient progress has already been made to indicate that significantly important results might be achieved in a relatively short time by an expanded, well financed, and capably staffed research program.

These include studies of ways to improve combustion efficiency of conventional steam generating plants, methods of further lowering transportation costs, new uses for coal to provide energy in gaseous and liquid forms, and entirely new means of producing electricity from coal without the necessity of creating steam to turn turbines.

As one example, I understand the Office of Coal Research is considering joining with a group of private companies to carry forward research on a promising form of generation by magnetohydrodynamics on which the private companies have already spent several millions of dollars. I am told that a 5-year research program is contemplated, with the Government and the private companies sharing the future costs. I hope OCR finds that this project does hold promise of success and decides to go ahead with its participation. And if it should find that favorable results could be achieved sooner by the expenditure of more funds than it presently has available for the purpose, I hope the Secretary of the Interior will bring before the Congress for our consideration a request for a supplemental appropriation.

Certainly, there are other projects which offer real possibilities for expanding the national benefits to be derived from our plentiful coal resources, if adequate research is devoted to them.

The coal industry needs to recognize that it faces a compelling challenge. It cannot be content with past achievements. The industry itself should name a committee of its outstanding people to take a penetrating look at the whole range of research programs. These experts could chart a course behind which both the industry and the Government could rally. They could point out the paths which must be followed in finding new and more economical ways to use coal more efficiently and effectively to generate power. We must remember that the utility industry and consumers are interested only in low-cost power.

It is my sincere belief that, if a comprehensive, practical research program is developed, it will attract wide support in the Congress. The coal industry must reorient its own thinking. We are in a new era. The key to success largely reposes in the laboratory. I hope the industry will meet the challenge posed by the atom with new vision and much keener understanding of the role which research can play in preserving and maintaining a strong, viable coal industry. And the leaders of our Government have a responsibility in these matters, too, as does the Congress.

The men who mine and transport coal must be aware of the fact that the people in nuclear power do not lack for imagination and the ability to think and plan on a big scale. Apparently they will not be lacking ample supplies of Federal research money to carry out their plans.

I am sure that the coal industry can match the nuclear industry in wisdom, foresight, and the ability to plan for the future.

I am talking today about this imbalance, this lack of parity between funds for nuclear power and for coal research. But in nowise do I desire that my words be construed to mean that I am against these programs of nuclear power.

The initiative must be assumed by leaders of coal and related industries. Knowing these industries, I am sure there are enough men of vision and wisdom to chart the kind of course which can lead to a new and expanded coal research program—one which will insure that the country will realize the great potential wealth of its huge coal reserves, rather than leave them idle in the ground.

Failing to develop such a program, coal reserves will lie virtually dormant as nuclear power marches steadily forward. The "coal people" must demonstrate very real initiative and ingenuity—and must act now. Government, I repeat, has an obligation to help the fossil fuel industries at least to the same degree it stimulates and sustains nuclear power developments in the energy field.

Mr. President, the future will be a challenging future for all forms of energy. Today I make this plea, I ask only that Congress and those in positions of trust in the executive branch of the Government understand that there is this lack of parity between coal research and nuclear power programs and that we need to be realistic and reasonable in getting a balance, rather than the imbalance which today exists.

ORDER OF BUSINESS

Mr. HOLLAND. Mr. President, there are several Senators who are interested in the objectives to which I shall address myself and they have asked that I suggest the absence of a quorum before I begin my remarks.

With that in view, I ask unanimous consent that without losing my right to the floor, I may suggest the absence of a quorum at this time.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOLLAND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12322) to enable cottongrowers to establish, finance, and carry out a coordinated program of research and promotion to improve the competitive position of, and to expand markets for, cotton.

The message also announced that the House had agreed to the amendments of the Senate to the concurrent resolution (H. Con. Res. 804) providing that when the House adjourns on June 30, 1966, it stand adjourned until 12 o'clock meridian, July 11, 1966.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H.R. 12322) to enable cottongrowers to establish, finance, and carry out a coordinated program of research and promotion to improve the competitive position of, and to expand markets for, cotton.

AMERICAN LEGION, DEPARTMENT OF SOUTH CAROLINA, DISTINGUISHED PUBLIC SERVICE AWARD TO SENATOR THURMOND, OF SOUTH CAROLINA

Mr. HOLLAND. Mr. President, it gives me, and speaking also for the distinguished Senator from North Carolina [Mr. ERVIN], who was on the floor earlier but who had to leave to catch a train for North Carolina, a great deal of pleasure to take the floor today to pay deserved tribute to one of the most distinguished colleagues whom we have, Senator STROM THURMOND, of South Carolina—a man of outstanding character and very great ability. In many ways he and I have followed the same life paths, although he was a few years behind me, and he has attained much greater eminence than I have.

He is a lawyer, as am I; he was a teacher, as was I; he served as a judge and in the senate of his home State, as did I; he was Governor of his State, as was I; and he served in the U.S. Army during World War II and attained the rank of major general, while I served in the Army during World War I and was happy to attain the rank of captain.

Mr. President, our colleague is a man of many talents, who served as Chairman of the Southern Governors Conference in 1950, and was the States Rights Candidate for President in 1948, carrying four States with 39 electoral votes.

He was elected to the U.S. Senate in November 1954, as a statewide write-in candidate—the only one such I have ever known about—but he resigned his Senate seat in April 1956, to place the office in the primary pursuant to a promise he made to the people of his State in 1954. He was renominated and reelected without opposition to the U.S. Senate in 1956, and again reelected in 1960. Then in September 1964, having the courage of his convictions and as forthright as he is, he left his party to join the Republicans, and, while I cannot say this was a happy turn of events for me or my fellow Democrats, I admire him for doing what he believed to be the right thing to do—it showed the strength of character built into him.

Mr. President, I could enumerate the many legislative accomplishments of our colleague—all of which are a matter of record, the more recent of which are, first, the major role he played in the defeat of the motion to consider the bill to repeal section 14(b) of the Taft-Hartley Act; second, the approval, this year, of his amendment to authorize preproduction engineering on Nike-X ABM system, which could save 80 million lives from enemy attack; and third, the introduction of legislation to make it a criminal offense to burn, mutilate, or destroy draft cards, which bill was passed by the Senate within a week of its introduction.

It is sufficient to say that first and foremost in his mind and heart is the desire to support legislation for the betterment of his people and of our Nation.

Mr. President, the American Legion, Department of South Carolina, at its annual convention in Charleston, on June 25, 1966, presented to our distinguished colleague, the Senator from South Carolina, STROM THURMOND, the distinguished public service award in recognition of his outstanding contributions to his community, State, and Nation.

I ask unanimous consent at this time that this citation, together with Senator THURMOND'S acceptance speech, be inserted in the RECORD at this point.

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

ACCEPTANCE ADDRESS BY SENATOR STROM THURMOND, REPUBLICAN OF SOUTH CAROLINA, OF THE DISTINGUISHED PUBLIC SERVICE AWARD OF THE AMERICAN LEGION DEPARTMENT OF SOUTH CAROLINA AT THE ANNUAL CONVENTION OF THE DEPARTMENT OF SOUTH CAROLINA AMERICAN LEGION, CHARLESTON, S.C., JUNE 25, 1966

It is with deepest gratitude and humble thanks that I accept your Distinguished Public Service Award. The honor you bestow on me is particularly meaningful because of the high esteem in which I hold and have always held the American Legion.

Upon my return from World War II, the first organization to which I applied for membership was the American Legion. With the ravages and destruction of the war fresh in my mind, I recalled then, as I do now, the sound counsel of the American Legion in the period between World War I and World War II on the necessity for our nation to achieve and maintain adequate military preparedness. Had the counsel of the Legion been heeded in those pre-World War II days, there possibly, even probably, would never have been a World War II. The Legion offered wise counsel of firm opposition to communist expansionist efforts and the maintenance of military strength in the days following World War II and preceding the Korean War, another conflict which may well have been prevented by military strength and a posture of unmistakable determination to resist aggression.

Underlying all of the American Legion's positions has been a strong theme of solid Americanism, upon which a splendid and effective program of youth leadership and training has been based. No other organization has been more constant and unswerving in its recognition that our Nation's most valuable resource is its youth.

The American Legion's record of service to the community, State and Nation is one in which we can all take pride. The responsibilities of citizenship and the obligations which spring from the understanding through experience in service that prompted the organization and programs of the Legion have neither lapsed nor diminished, however. Indeed, they are more demanding now than ever before.

Today, our Nation is at war. The struggle to preserve freedom against the unceasing onslaught of communist aggression has flared into open conflict on a major scale. Again, American fighting men are writing in blood a record of valiance and sacrifice for the cause of liberty and Country.

The President has recognized by word and action the necessity to resist the communist attempt at military conquest in Southeast Asia. He has avoided the vicious and deceptive lures of appeasement and has heeded the lesson of Munich. His decision not to yield to aggression in Viet-Nam deserves the support of all citizens of our Nation, and indeed, the support of all people committed to the cause of freedom.

It has been repeatedly and correctly stated by the President that the United States has no territorial or economic ambitions in Southeast Asia. It is equally true, however, that the vital national interest and security of the United States, and not just those of South Viet-Nam, are at stake in Southeast Asia. The first line of defense of American freedom now lies in the jungles and cities of Viet-Nam. Indeed, on no other basis can the involvement of the United States in the war in Viet-Nam be justified.

It is not just South Viet-Nam's war. It is now our war, also, demanding a unity of purpose for victory. Nothing less than victory can suffice to adequately protect our own national interests and security.

In this war, as in previous ones, our capabilities are contingent on the adequacy of our preparedness. As citizens whose vital interests hang in the balance of the conflict, you have every right, and need, to know the state of the Nation's preparedness, and its impact upon the war effort.

The Senate Preparedness Investigating Subcommittee has for more than a year been engaged in a thorough study of the country's military adequacy and readiness to meet the commitments to which our Nation has subscribed in the cause of liberty and for the protection of our own national security. A number of reports have already been released, others have been completed and will be released shortly, and additional reports will follow from this continuing investigation. This Committee, chaired by Senator JOHN STENNIS of Mississippi, and composed of four other Democrats—SYMINGTON of Missouri, JACKSON of Washington, CANNON of Nevada, and BYRD of West Virginia—and

three Republicans—SALTONSTALL of Massachusetts, SMITH of Maine, and myself—has been unanimous in all of the findings and recommendations in this readiness investigation.

As you would expect, we have found that there is no substitute for actual, adequate preparedness. It is not sufficient to be comparatively better prepared than was the case at some selected time in the past. When the test comes, the test is in absolute terms. The outcome of battles and campaigns is not graded on the curve. We found this out in Viet-Nam in 1965.

Prior to 1960, there was an average of only about 650 U.S. military personnel committed in Viet-Nam. This number gradually increased from an average of 773 in 1960, to 1364 in December, 1961, to 9,865 in late 1962, and to 16,575 by 1964. From this point of departure, the number was increased in 1965 to approximately 195,000. This was the period of the initial test of our preparedness.

Since the beginning of 1966, the build-up has slowed, but continues. Today we have more than 265,000 servicemen committed, and we are in the process of reaching a strength of 285,000 in the very near future. We can expect a continuing increase until we reach some 400,000. Beyond that, the prospect, quite frankly, is for further increases.

To fully understand the problem of inadequate preparedness we experienced in the initial major build-up in Viet-Nam, it is necessary to understand something of the history of the Army's organization and reorganizations in recent years, and the mobilization plan on which the Army structure is based.

In 1961, it was determined by the Administration that our capability of responding to the upper, or strategic, end of the war spectrum and to the lower, or insurgent, end of the war spectrum was adequate, but that our capability of meeting the threat in the center of the war spectrum was inadequate. Accordingly, the number of active Army divisions was increased from 11 to 16.

At the same time, the division concept was somewhat altered. The 16 divisions were so organized that they contained the essential combat capability, and an initial support capability available for augmentation shortly after the division was committed to combat. The major elements of division support were placed in the Reserves, rather than the active forces, and the contingency planning was based on the call-up of such support units for the augmentation of the divisions committed to combat. Such Reserve support components included engineer, logistic, signal and artillery elements, as well as others. In addition to the 16 active combat divisions, active training forces are maintained at a level to train the necessary manpower supply for the 16-division active combat force. Also, in addition to the support units for active divisions in the Reserve, combat divisions with their support units are maintained in the Reserve forces to replace active divisions committed to combat.

In addition to the 16 active divisions of combat forces, the Army also maintains in the active structure, training forces capable of supplying the manpower requirement of the active forces. To supplement training capabilities for emergencies and other expanded manpower requirements, 12 training divisions are also maintained in the Reserve forces.

Our investigation revealed that the active Army alone did not have 16 combat divisions which were capable of sustained combat, even though the Congress had been frequently so advised in the past without any qualification being put upon it. The claims that there were 16 combat ready divisions, it was revealed, were based on certain assumptions, including the time of deployment, the availability of shipping, and more importantly, upon a declaration of emergency and an extension of terms of service of personnel.

In addition, Army contingency planning was based on an assumption that the commitment of a major fraction of the Army forces in the United States would result in mobilization and that the forces required for sustained combat operations would be provided by units of the reserve components. From the time of the increase of the number of active Army divisions from 11 to 16, severe budgetary restrictions were placed on the Army's requests for annual appropriations. As a consequence, the apparent state of readiness of the Army was illusory, to say the least. Shortages of equipment and parts were allowed to accumulate, and obsolescence of equipment became a major problem.

Prior to May, 1965, the Army was permitted to request procurement funds only on the basis of 16 active and five Reserve divisions. Until this time, no funds were requested for such items as prosecution of the war in Viet-Nam, two divisions worth of equipment for pre-positioning in Europe, nor for the then experimental air-mobile division. All of these items, in addition to some material for the military assistance program was, in the vernacular, taken out of the Army's hide. These additional items, I should mention, were given a higher priority for distribution, than were the requirements of the Reserve components. As a consequence, the requrement for a major build-up in Viet-Nam found the Reserve components most inadequately equipped. The Army's contingency planning to call on the Reserve components for units essential for sustained combat upon the commitment to combat of a major fraction of the Army divisions in the United States, was abandoned.

The build-up caused a severe drain on our entire active Army. In order to put somewhat less than four Army divisions in the field, it was necessary to drain both personnel and equipment from those units not committed, and even then shortages which impaired and inhibited combat operations could not be avoided. Shortages of equipment ranging from helicopters to radios, from clothing to ammunition, were experienced. Production lines for many items were not open and operating, and it was necessary to "live off the shelf."

Personnel problems were at least as acute as material shortages, and even more difficult to solve. As you know, the Army's manpower needs for modern warfare are not measurable only in quantity, but also in quality, or skills. The draft produces numbers, but only training can produce military skills.

The Army, therefore, found it necessary to draw on its entire active strength, including the six strategic active divisions in the United States, as well as our divisions in Europe, for the skills needed by the divisions and their newly created support units committed to combat in Southeast Asia.

So severe is the problem of acquiring skills to achieve a sustained combat capability that in one particular instance, the readying of one combat brigade of an airborne division for Viet-Nam required a total in-and-out transfer of 3,800 personnel. The impact on the other brigades of this division should be obvious.

Six of the United States Army divisions are kept in strategic reserve in the continental United States to meet contingencies which might arise from our world-wide commitments. This force consists of two infantry, two airborne and two armored divisions. The impact of current personnel requirements is illustrated by the fact that none of these divisions is today combat ready. Indeed, they are not even combat divisions, but are, rather, training divisions. Up to one-half of the strength of some of these divisions is comprised of basic trainees recently inducted and for which the divisions are conducting basic training.

It has even been found necessary to withdraw approximately 15,000 men from our Army forces in Europe. In addition, approximately 20,000 trained and skilled personnel are being withdrawn from Europe and replaced by what are essentially personnel who have received only an abbreviated basic training.

The turbulence in Army attempts to meet the strain of Viet-Nam commitments is illustrated by the fact that between April, 1965, and April, 1966, the Continental Army Command re-organized and re-designated more than 400 units for deployment to Viet-Nam and activated 160 new units.

Similar problems have been experienced by our tactical Air Forces. Of the 59 tactical fighter squadrons which comprised our Tactical Air Command at the time of the Gulf of Tonkin incident, most have now been committed to Viet-Nam or Southeast Asia. The support of this effort has caused a severe drain upon Tactical Air Command resources and has resulted in a number of risks and hazards. It is apparent now that the Tactical Air Command cannot, within existing resources, continue to support a large-scale augmentation of forces.

The escalation of the war in 1965 found the Air Force with only one fighter aircraft in production, the F–4. The F–5 was in limited production for the military assistance program only. Spare parts for aircraft proved inadequate to needs for combat operations. Despite the fact that combat attrition on fighter aircraft was exceeding production, production of the F–4 was not increased until the Fall of 1965. The heavy commitment of aircraft to Viet-Nam caused a shortage of aircraft needed to step-up the aircrew training program. Only the shortage of aircraft prevents the occurrence of a severe shortage of flight crews.

Training is also impaired by shortages of bombs and ammunition. The shortages of bombs of certain types has necessitated the purchase of bombs from our allies which we had previously sold to them. In considering the problem of bomb shortages, it should be kept in mind that this is not a problem merely of quantity. Certain types of old bombs, although of the proper weight and explosive, are so configured that they are not usable on modern jet aircraft which carry their bombs externally. The fact that we have a supply of 750 pound bombs, therefore, does not necessarily mean that we have the type of bombs which can be carried and dropped by the majority of the types of aircraft being utilized in Southeast Asia.

It is indeed fortunate that no additional emergency has erupted elsewhere in the world in the past year which would have necessitated the deployment of even a medium-sized commitment of U.S. military forces. In effect, we have, because of inadequate preparedness, committed the bulk of our conventional combat capability to Southeast Asia.

The impact of our inadequate preparedness is by no means confined to the impairment of our capabilities for meeting defense commitments outside Viet-Nam, however. Our announced strategy in Viet-Nam is to build up a superiority of force over the communist enemy which will enable us to pursue effective military operations of an offensive character. Estimates of the ratios of superiority required to accomplish this objective vary from 4–1 to 10–1. It is now clear that we have been unable to achieve either. During recent months, the commu-

nists coming down from the North into South Viet-Nam have been able to match our build-up essentially on a one-to-one basis. We were unable to increase our forces to a level of approximately 400,000 by June 1, 1966, as would have been required for the maintenance of the desirable level of offensive action. The problem of attaining and maintaining a sufficient superiority of force has been complicated by the diversion of South Viet-Namese military forces to cope with domestic dissents from the Buddhists.

Some improvement in the situation has been accomplished, and other shortages will be corrected in the next few months. The over-all impact of inadequate preparedness will, however, continue to be felt for some time.

For instance, deficiencies in training capabilities will cause the Reserve components to experience an actual increase during the coming year in the number of personnel who have had no active duty training, not even basic. Procurement has not been initiated in sufficient quantities to replace the inventories of equipment and parts consumed in the initial stages of the buildup.

For the most part, it has been attempted to meet additional needs by increasing production from operating sources, and there have been only very minor expansions of the production base through the initiation of new production lines. Particularly is this true with respect to long leadtime items, such as helicopters and aircraft. This policy is attributable to the fact that planning and procurement is based on the arbitrary assumption that the conflict in Viet-Nam will terminate by mid-1967.

Although the war in Viet-Nam is the current point of crisis, it must not be permitted to so pre-occupy our considerations of defense adequacy that our strategic superiority is allowed to deteriorate. Efforts to limit over-all defense expenditures while fighting a conventional war is unquestionably causing a de-emphasis in the field of strategic weaponry. Such systems as a ballistic missile defense, an Advanced Manned Strategic Aircraft, a nuclear-powered surface Navy, a new large advanced ballistic missile and systems for a military capability in space must not and cannot be allowed to flounder for lack of adequate funding.

The cost of adequate military preparedness is high. The cost of war is far higher. The expenses of the war in Southeast Asia sharpens the competition of non-defense with defense programs for the tax-dollar. One official estimated in testimony before the Congress that the war in Southeast Asia is costing as much as $2 billion per month. The increased appropriations are not running anywhere close to that amount. It is clear that defense programs not directly related to Viet-Nam are being short-changed.

The one most important lesson to be gained from the outbreak of combat in Viet-Nam is the necessity for military preparedness. Once again we deluded ourselves that we could be satisfied with an appearance of relative preparedness. The lesson will be learned only to the extent that the balloon of our national complacency is punctured.

The American Legion has performed a magnificent service in its programs which support policies of adequate preparedness. Nevertheless, the challenge today is greater than ever, and the task of persuading the Nation of the necessity of maintaining our military strength at an unmatchable level remains substantial.

If we are to achieve and maintain sufficient military strength, it will require the full weight of a convinced and determined public opinion. The American Legion, and each individual Legionnaire, is confronted with the challenge to do even more to inform and crystallize public opinion that the only road to security and peace lies through preparedness.

I urge you to join me in rising to this challenge.

Again, let me express my gratitude to you for the honor you have so graciously paid me. I assure you that it will ever be my ambition to continue to strive with you in service to our communities, our State, and our Nation.

Mr. HOLLAND. Mr. President, I think it well to read, for the information of Senators who may be here, the citation, which appears on a very elegant plaque, presented to Senator THURMOND by the Department of South Carolina, American Legion. I will read it:

The American Legion, Department of South Carolina, Distinguished Public Service Award presented to STROM THURMOND, United States Senator, in recognition of his outstanding contributions to his community, State, and Nation. June 25, 1966.

Mr. President, many other Senators have desired to participate in this eulogy. Some of them, like the distinguished Senator from Nebraska [Mr. HRUSKA] did, have already done so. I ask unanimous consent that his eulogy of yesterday be reprinted at this point immediately following my remarks.

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

The remarks of Senator HRUSKA ordered to be printed in the RECORD are as follows:

AWARD TO STROM THURMOND

Mr. HRUSKA. Mr. President, last Saturday, June 25, our colleague, STROM THURMOND, was honored by the Department of South Carolina American Legion. In recognition of his outstanding contributions to his community, State, and Nation, he was awarded the Distinguished Service Award.

Today I add my congratulations to Senator THURMOND for this well-earned recognition and to the South Carolina American Legion for its worthy selection.

STROM THURMOND has had a long and distinguished career both locally and nationally. He served in the legislative, judicial, and executive branches of his State's government before his election to this body 12 years ago. He was a practicing attorney and farmer.

His varied experience makes his counsel of great value. His military record and service was outstanding and his counsel concerning military preparedness has thus acquired added persuasiveness. His active role in State government gives urgency to his advocacy of the position that in many areas the States can simply do the better job.

He has a practical, commonsense approach to problems. And this approach is bottomed on a philosophy of government developed after long involvement with the intricacies of public affairs, civil and military; a deep love for our Constitution and respect for and trust in the people and their ability to govern themselves.

Senator THURMOND's varied career has brought honor to his name. And well it should, for he deserves the honors he receives.

Mr. President, I join the South Carolina American Legion in recognizing his contributions. I, too, salute this valuable and devoted service on behalf of his State and Nation.

Mr. HOLLAND. Mr. President, I also ask unanimous consent that the eulogy offered this morning by the distinguished Senator from Iowa [Mr. MILLER] be printed at this point rather than elsewhere in the RECORD, so it may appear as part of this eulogy.

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

The statement by Mr. MILLER, ordered to be printed in the RECORD, is as follows:

STATEMENT BY SENATOR MILLER

I wish to join my colleagues in congratulating the distinguished Senior Senator from South Carolina on his recognition by the Department of South Carolina American Legion award for distinguished public service.

This coveted award appropriately recognizes the dedicated, principled, hard work of Senator THURMOND in seeking to keep America strong and, further, in seeing to it that our veterans and their families are insured of the opportunities and freedom for which they have sacrificed.

It has been my privilege and opportunity to serve with him on the Senate Armed Services Committee, and I have had numerous occasions to personally observe the careful and constructive contributions he makes to this committee's most important deliberations over matters of the greatest importance to our national security. Never, at any time, has he demonstrated any other than the highest motives of dedication to the best interests of America's military and economic strength, without which our position as the leader of the Free World could not be fulfilled.

The Distinguished Public Service Award presented to him by the Legionnaires of his State shows that those who know him best, the people from his own home state, are fortunately very much aware and informed of Senator THURMOND's great contribution to national security.

Mr. HOLLAND. Mr. President, the distinguished Senator from Georgia [Mr. RUSSELL] was here until a few minutes ago. He had prepared remarks for this occasion, but had a plane awaiting him and had to leave. I am glad to read his remarks for the RECORD at this time. I am speaking for Senator RUSSELL of Georgia:

STATEMENT BY SENATOR RUSSELL OF GEORGIA READ BY SENATOR HOLLAND

Mr. RUSSELL of Georgia. Mr. President, I am pleased to join with the Senator from Florida [Mr. HOLLAND] and my other colleagues in extending my congratulations to our colleague from my neighboring State of South Carolina Senator THURMOND, on receiving the "Distinguished Service Award" of the American Legion of his State.

The Legion has selected a worthy recipient for this outstanding honor. As the Members of this body are well aware, Senator THURMOND has served his State and the Nation with great distinction and dedication, not only in offices of high public trust, but in the military service of the country.

The Senator has served as a member of the Senate Committee on Armed Services since 1959. As chairman of this committee, I can state without reservation that he has given the full measure of his vast energy and ability to the task of strengthening our Nation's defenses and to the enhancement of the welfare of our service men and women. I know all the members of our committee share my high regard for the Senator and my respect for his sincerity and diligence.

It is, therefore, a privilege for me to add my voice to the others in commending Senator THURMOND for this well-deserved recognition of his many and varied contributions to his community, his State, and his Nation.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. HOLLAND. I am very happy to yield to the distinguished Senator from Delaware.

Mr. WILLIAMS of Delaware. I join with my fellow Senators from Florida, Georgia, and other States in paying respects to STROM THURMOND for the award which he has received from the American Legion of his State.

They certainly could not have selected a more worthy recipient of their distinguished service award. We all recognize the Senator from South Carolina as a great American, and I am happy, as I am sure all other Senators are, that he is receiving this recognition in his own State.

Mr. HOLLAND. I thank the distinguished Senator for his gracious remarks.

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

Mr. HOLLAND. I am happy to yield to the distinguished Senator from South Dakota.

Mr. MUNDT. I thank the Senator very much. I commend the distinguished Senator from Florida for bringing to the attention of the Senate the outstanding service award which so rightfully has been made by the American Legion, Department of South Carolina, to that State's distinguished Senator, STROM THURMOND.

The Senator has listed in the RECORD and in his remarks several other neighboring Southern States whose Senators are joining in this testimonial, so I think it is highly appropriate that the great southern State of South Dakota be included in the roster of those who pay tribute to Senator THURMOND.

Senator THURMOND is a remarkable Senator and an outstanding American, differing from the average, run-of-the-mill individual who has at one time or another received an award for outstanding service. Because STROM THURMOND has a capacity for courage and independent action which sets him apart from the average public servant.

I recall the time when he was running independently on some third party ticket—I have even forgotten the name of the party—for President of the United States, certainly with no hope of winning, but in an endeavor to prove something that he considered a matter of high principle to him and the people in the area where he lived.

Mr. HOLLAND. Mr. President, if the Senator will permit me to refresh his memory, he was a candidate of the States' Rights Party.

Mr. MUNDT. The States' Rights Party; the Senator is correct. I thank him for telling me. I believe Senator THURMOND was associated in that venture with the then Governor or Mississippi, if my memory serves me.

Then he came to the U.S. Senate, and here we have all watched him take independent courses of action on positions which he feels to be thoroughly justifiable. We have seen him wage battles in concert with others; we have seen him wage battles when he fought alone.

I think that probably among the greatest of his many services to America will rank the important part he has played in bringing two-party government to what we sometimes allude to, with quotations marks, as the "Old South." I doubt whether there is any Democratic citizen left in the Old South who holds his party convictions so dear to his heart that he would not admit that, by helping the South break into the two-party pattern, STROM THURMOND has rendered a great service.

It takes a great deal of courage for any man to leave the party of his inheritance and his background and switch to another political party. But it seems to me it must have taken consummate courage for STROM THURMOND, coming from the seat of the Confederacy, where a few years ago—two decades ago, let us say—"Republican" was considered a slur term—to stand up and present the reasons that motivated him, and say that he was joining the Republicans. The fact that he was subsequently given positions of high honor, and that one of his congressional associates whom he induced or encouraged to take the same step has been reelected as a Republican, indicates the tremendous regard in which he is held in his own State.

It is not that the Republican Party is in such sad straits, Mr. President, that we have to go around trying to proselyte recruits from the seat of the Confederacy, but it is a manifestation that America has grown up, that the understandable aches and pains, prejudices and problems created by what we southerners like to allude to as the War Between the States have disappeared, and America is whole again, and is a greater country than before, that the two-party system is free to exercise itself, now, without petty prejudice, in every State of the Union.

STROM THURMOND has contributed greatly to that eventuality, and I suspect that when future history books are written, he will go down in history as one of the great architects of the projection of the two-party system throughout America, and into those few areas where, up until two decades or even less ago, there was a blind prejudice, a myopia, for some reason, which rejected all concepts of a two-party system.

So, for those and many other reasons, I am happy to salute a great American, an outstanding Senator, and an outstanding patriot.

I think that the American Legion chose wisely, and I am confident that most of them had to be Democrats to make the choice in South Carolina in selecting STROM THURMOND as the outstanding citizen of the United States.

Mr. HOLLAND. Mr. President, I thank the Senator from the great State of South Dakota for his remarks.

I yield to the Senator from Arizona.

Mr. FANNIN. Mr. President, I commend the Senator from Florida for bringing this matter to our attention. As usual, he shows his fine consideration of his fellow colleagues.

Mr. President, I join my colleagues in paying tribute to this fine American, the senior Senator from South Carolina. Few men have been privileged to serve their country and their fellow Americans in so many different capacities as has the senior Senator from South Carolina. Even fewer have compiled such a distinguished record of achievement in these various undertakings. Farmer, attorney, athletic coach, teacher, public official, military leader—he has been all of these and more.

In each of these callings, the Senator has devoted a full measure of his considerable energy and talent which all of us recognize he possesses from our service with him in the Senate.

The "Distinguished Public Service Award" by the American Legion of his own State is richly deserved by a man who was among the very first volunteers in World War II.

His brilliant service record has been matched by his service to the citizens of his State in elective office, including the office of Governor.

Above all, the Senator from South Carolina has always been a man of principle, with the courage to act on the basis of sincere conviction deeply felt.

It is this quality of character that has won for him the affection and respect of his fellow South Carolinians. This quality of character makes him an able and effective Senator.

I join with his many friends and associates in extending my personal congratulations to him on this occasion.

Mr. HOLLAND. Mr. President, I appreciate the remarks of the distinguished Senator from Arizona.

(At this point Mrs. NEUBERGER assumed the chair as Presiding Officer.)

Mr. DIRKSEN. Madam President, the action taken by the South Carolina Department of the American Legion, in making the "Distinguished Public Service Award" to the Senator from South Carolina [Mr. THURMOND] not only honors the great work of the American Legion, but it honors a distinguished son of that State as well.

One need only to examine his record in the entire field of public affairs to conclude that at the local, State, and national levels there has been such a variety and dimension of public service that is almost unexcelled and unsurpassed.

Madam President, it is a long and impressive list. He served as a teacher. He served as a school administrator. He served as a county attorney. He served in the State senate. He served his State as Governor. Now he serves his State in the U.S. Senate.

Few public servants can present an equal record.

In addition to all this, he was a candidate for the Presidency in 1948 and, as I remember, his fellow citizens gave him 39 electoral votes. Speaking for myself, I remember with deep gratitude the great contribution he made when we carried on quite a struggle in connection with section 14(b) of the Taft-Hartley Act.

Madam President, with this record there also goes his military record and

his career in military science at the Citadel, where he devoted himself consistently and continuously to military science and to preparedness for the defense and security of his country.

When World War II came, it found him ready. He was part of the airborne division which participated in the Normandy Beach operation. Before his active service had ended, he had received 5 battle stars and 16 decorations.

Today, he holds the rank of major general in the Reserves and his colleagues, in and out of uniform, have honored him by making him National President of the Reserve Officers Association.

Madam President, this is but a partial record of a great American, a man of towering energy, of great and impeccable character, of rare diligence, of high dedication to public service, who has so deservedly been honored by the American Legion of his State.

Of course, I refer to the distinguished Carolinian, the Honorable STROM THURMOND.

Mr. HOLLAND. Madam President, I want to express my distinct gratitude to the minority leader for his contribution and to say to him that I think we have made a record today in the congressional annals of our Nation which will perpetuate the memory of STROM THURMOND, as it well deserves to be perpetuated: as one of the great Americans of all time.

Mr. KUCHEL. Madam President, all Senators are delighted when any one of them receives honors.

Today, I join my colleagues in extending congratulations to the distinguished senior Senator from South Carolina [Mr. THURMOND] on being presented with the distinguished Public Service Award by the American Legion, Department of South Carolina.

Our colleague from South Carolina has had a long and varied career of public service, as well as military service—he is a major general in the Army Reserves.

He has had many opportunities to serve the people of his State and Nation. He is dedicated to his own political philosophy, as is each of us to our own.

He is a friendly man—I shall never forget his kindness to me when I was recently hospitalized.

I pay high tribute to our colleague, Mr. THURMOND, on the great honor which has come to him.

Mr. TOWER. Madam President, I would say that there are a number of very wise gentlemen guiding the American Legion in South Carolina. Their action in confering the "Distinguished Public Service Award" on our esteemed colleague, STROM THURMOND, was well advised. I can think of no Member of this august body who is more deserving of this honor—although there are many Members who have served their country with great ability and honor.

STROM THURMOND is a great American patriot; his actions and his record in the Senate reflect a sincere love of those ideals which are our Nation's heritage and which make this a country of which honest men can be proud. I have never known STROM THURMOND to entertain a thought that was not dedicated to the welfare of his country. He is indeed a man of principle.

In politics, principles can be a "sometimes thing," but with STROM THURMOND there is no "sometimes" about it. His actions constantly reflect his adherence to principle, and his record is that of a man who knows that adherence to objective principles is in no way a conflict with his own interests or those of his country.

If STROM THURMOND has served his country well—as indeed he had—he has also served it long. Ever since he began his career in public service back in 1929 as superintendent of education for Edgefield County, S.C., he has served his county, State, and country with honesty and with devotion. As Governor of his State, as a circuit court judge, and especially as a member of the armed services his record is distinguished.

STROM THURMOND is a man of many capacities and talents. The able Senator we know and respect is also a war hero, having been awarded five battle stars and 16 decorations, medals and awards, including the Legion of Merit, Purple Heart, Presidential Distinguished Unit Citation, Belgian Order of the Crown, French Croix de Guerre, and many others.

The world needs more men of the heroic mold of my good friend STROM THURMOND, more men of principle, men who can command the respect of the next generation. It is my pleasure to be able to join with the leaders of the American Legion of South Carolina in paying tribute to him. The award is deserved, and I, too, salute this distinguished public servant.

Mr. BYRD of Virginia. Madam President, I would like to join with my friend, the distinguished senior Senator from the State of Florida, in congratulating our colleague, STROM THURMOND on being awarded the "Distinguished Public Service Award" by the Department of South Carolina, American Legion.

The Senator from South Carolina has rendered conspicuous service, not only to his State but to his Nation.

Serving alongside him on the Armed Services Committee of the Senate I have been impressed with his keen insight into our military problems and his determination to fight for American ideals.

The Senator from Virginia is pleased to take this opportunity to express pride in the recognition received by the splendid Senator from South Carolina for his outstanding contributions to his community, his State and Nation.

I am proud of my friendship with STROM THURMOND, and am pleased that the American Legion of the great State of South Carolina has selected him for the "Distinguished Public Service Award."

Mr. ROBERTSON. Madam President, I was delighted when I learned recently that the Department of South Carolina, American Legion, had honored our colleague, Senator THURMOND, by conferring on him the "Distinguished Public Service Award" in recognition of his outstanding contributions to his community, State, and Nation.

There is no more courageous or patriotic man in public life today than the senior Senator from South Carolina, and I take pleasure in saluting him today upon the receipt of this well deserved award.

I have greatly enjoyed serving with Senator THURMOND on the Banking and Currency Committee, and I am also familiar with the outstanding work he has done in behalf of our national defense posture as a member of the Armed Services Committee.

Senator THURMOND has the courage of his convictions, and he never hesitates to speak out for what he believes in. I feel that the American Legion has honored itself by honoring him.

Mr. TALMADGE. Madam President, it gives me a great deal of pleasure to join my colleagues in saluting the senior Senator from South Carolina, my warm friend and fellow southerner, Senator THURMOND, on being awarded the "Distinguished Public Service Award" by the Department of South Carolina American Legion.

This is indeed a well deserved recognition of the outstanding services Senator THURMOND has rendered his community, State, and Nation, not only as soldier, but also as a great public servant at the local, State, and national level.

Senator THURMOND diligently serves his State and Nation, and his devotion to duty and the sound principles of constitutional government is an inspiration to all who know him and work at his side.

I am indeed honored to extend my personal congratulations to Senator THURMOND on receiving this award.

Mr. RUSSELL of South Carolina. Madam President, I would like very much to recognize my distinguished colleague, Senator J. STROM THURMOND, whose fine public service has been commended by the Department of South Carolina American Legion. He has long been active in the public life of South Carolina, serving as a jurist, as Governor and as U.S. Senator. As his friends here in the Senate honor him, I wish to express my respect for the service he has rendered to his State and his country.

Mr. STENNIS. Madam President, I rise to congratulate my friend and colleague, the senior Senator from South Carolina [Mr. THURMOND] upon the well-deserved tribute and honor accorded him by the American Legion of the State of South Carolina.

It is especially appropriate that this award, reflecting his contribution to his community, his State, and our Nation, be given to the Senator from South Carolina by the American Legion of his own State. The American Legion is a great symbol of patriotism, loyalty, and integrity to our American ideals, and the Senator from South Carolina, in the best tradition of these principles, has devoted his life to the service of his country.

It has been my privilege and pleasure to serve with the Senator from South Carolina as a member of the Senate Armed Services Committee for a number of years. He also serves with me as a member of the Senate Preparedness Investigating Subcommittee. We have fought many battles together to make certain that our military preparedness

and our ability to meet any aggression is superior to that of any nation in the world.

I congratulate the South Carolina Department of the American Legion in its recognition of the Senator from South Carolina for his worthwhile contributions in the field of national defense and in his tireless efforts in behalf of the security of the United States.

Mr. CANNON. Madam President, I am delighted to participate in the recognition which is being deservedly accorded to my good friend and colleague, STROM THURMOND.

It has been my pleasure to have worked with the distinguished Senator from South Carolina for several years on the Senate Armed Services Committee. I have never failed to be impressed by his diligence and dedication in assuring this Nation of a Defense Establishment second to none.

His ability and legislative skills have been of great service to the people of his State, and I am extremely pleased that the South Carolina American Legion has bestowed upon him the "Distinguished Public Service Award."

Madam President, much of the strength of our Defense Establishment can be attributed to the contributions and efforts made by this honored son of South Carolina, and I am happy that so many of his contemporaries have joined in honoring Senator STROM THURMOND today.

Mr. SIMPSON. Madam President, it is with profound pride that I join my colleagues on both sides of the aisle in paying tribute to an American patriot and U.S. Senator to whom the all too commonly uttered adjective "distinguished" is most truly applicable.

When I was informed that my friend and colleague STROM THURMOND had been awarded the "Distinguished Public Service Award" by the Department of South Carolina American Legion, I thought to myself, "what a splendid accolade and what a fitting recipient." The award is for outstanding contributions to the community, State, and Nation, and certainly Senator STROM THURMOND has devoted his lifetime to such service.

He is a man of tremendous dedication and drive, a man of unimpeachable integrity. At a time when the vitiated contract and the compromised commitment are commonplace, STROM THURMOND'S word is his contract; his handshake is his commitment. And no man has ever had cause to doubt either.

As the Nation knows, STROM THURMOND volunteered for service in World War II the day war was declared against Germany. He served with Headquarters, 1st Army, from 1942 to 1946 in the European and Pacific theaters. He was with the 82d Airborne Division at Normandy. His awards from World War II number 5 battle stars and 16 decorations, including the Legion of Merit, the Bronze Star Medal with "V", the Army Commendation Ribbon, the Purple Heart, the Presidential Distinguished Unit Citation, the 3d Army Certificate of Achievement, the OCAMG Certificate of Achievement, the Department of the Army Certificate of Appreciation, the Belgium Order of the Crown, and the French Croix de Guerre. STROM THURMOND is a major general in the U.S. Army Reserve and is past national president of the Reserve Officers Association.

In politics STROM THURMOND'S record is no less distinguished than in the military which decorated him for his courage and capacity for command.

No one can forget that STROM THURMOND resigned as U.S. Senator on April 4, 1956, because he had made a pledge to his people that he would place his office in a primary. The pledge came in the 1954 campaign and 2 years later was a fact. He was renominated and reelected to the Senate without opposition, not only because it was obvious that he was going to win anyway, but because the statesmen of South Carolina realized that none could better serve their State in his stead.

Madam President, STROM THURMOND has compiled an inimitable record of service to his State of South Carolina, to the Nation he loves, to her Military Establishment, and her democratic institutions. It is eminently appropriate that he was selected by the Department of South Carolina American Legion to be recipient of its Distinguished Public Service Award.

Mr. JORDAN of Idaho. Madam President, I am happy to add my own congratulations to the many Senator THURMOND has received on being recognized for distinguished public service by the Department of South Carolina American Legion. The award is richly merited. Senator THURMOND in a long and hard working career has always sought to truly represent his State. He has earned the reputation as a man with the considerable courage of his own firmly held convictions. He has never been swayed by considerations of expediency. His service has reflected a rare strength of character and devotion to duty as he sees it. Such unusual devotion is worthy indeed of unusual recognition.

Mr. COTTON. Madam President, I was pleased indeed to learn of the distinguished award made on Saturday, June 25, to my colleague from South Carolina, Senator STROM THURMOND, by the Department of South Carolina American Legion.

Senator THURMOND and I came to the Senate at approximately the same time, and it has been my privilege to serve as his colleague for over a decade. We worked closely as members of the Special Subcommittee To Study the Textile Industry, whose problems are of such vital importance to both our States. I had the privilege of being with him when the committee conducted hearings in South Carolina and was impressed by the universal respect and affection which Senator THURMOND is held by the people of his own State. I might add that his services to the work of the committee, as well as to the textile industry and its employees, have been both vigilant and constructive.

As every Member of the Senate knows, the distinguished Senator from South Carolina has an outstanding military record. Suffice it to say, in the Senate, as in his military service, he has exhibited his utter fearlessness in standing openly and forthrightly for every cause in which he believes.

Mr. McCLELLAN. Madam President, I wish to associate myself with what has been said by the senior Senator from Florida [Mr. HOLLAND].

A few years ago Gen. Douglas MacArthur, in his farewell to the Cadet Corps at West Point, eloquently spoke of the code which should guide their life—"Duty—Honor—Country." These three words characterize the long and distinguished career of Senator THURMOND.

In an age known for its cynicism, he has held steadfast to principle. Whenever the Congress considers the creation of some new activity of the Federal Government, the first concern of the senior Senator from South Carolina is always whether this program is in accord with the Constitution. He knows that a Great Society cannot be established in a climate of moral decay and, therefore, he has labored with deep conviction to preserve the spiritual heritage of this Nation. He has ably served in the Armed Forces, and this body has been the beneficiary of his profound understanding of military affairs.

I esteem my long acquaintance and personal friendship with Senator THURMOND. We have been associated in many causes—not all of them successful. But in serving his country and his State, the senior Senator from South Carolina is following in the tradition of his most illustrious predecessor—John C. Calhoun. Senator THURMOND has a right to say, as did Calhoun in the last words of his final speech to this body in 1850, "having faithfully done my duty to the best of my ability, both to the Union and my section, throughout this agitation, I shall have the consolation, let what will come, that I am free from all responsibility."

I honor Senator THURMOND for his past accomplishments and I join in the congratulations of my colleagues for this latest fine and fully deserved recognition that he has received for his long and dedicated public service.

Mr. MURPHY. Madam President, it is a special pleasure to join my colleagues in congratulating my good friend STROM THURMOND on his selection by the Department of South Carolina American Legion for its "Distinguished Public Service Award" for surely there are few individuals who are so deserving of recognition for their outstanding contributions to their communities, their States, and their Nation.

As county superintendent of education, as city attorney, and county attorney, as a State senator, as a circuit judge, as Governor, and now as a U.S. Senator, STROM THURMOND has learned government at all of its levels, from the local to the national, and he has learned his lessons well. Add to this his distinguished record during World War II, his service in the U.S. Army Reserve, and his exceptional work as a member of the Senate Armed Services Committee and it is readily apparent why he merits the high honor which has been bestowed upon him by the American Legion.

Behind Senator THURMOND'S outstanding achievements is a commonsense approach to problems based on his deep re-

spect for and faith in the ability of his fellow man. This creed has been reflected in all of his endeavors and has resulted in an impressive string of accomplishments.

Together with the South Carolina American Legion, his colleagues and his friends, I congratulate Senator THURMOND for a job well done and I wish him many more years of health and happiness, not only for himself, but also so that this Nation may continue to enjoy his truly distinguished service.

SENATE SMALL BUSINESS SUBCOMMITTEE OF THE COMMITTEE ON BANKING AND CURRENCY TO HOLD HEARINGS JULY 15 ON SMALL BUSINESS INVESTMENT COMPANIES

Mr. PROXMIRE. Madam President, yesterday, I wrote the chairman of the Committee on Banking and Currency asking that the Subcommittee on Small Business, of which I am chairman, hold hearings to begin at the earliest possible moment on the small business investment program.

The chairman of the Committee on Banking and Currency responded swiftly and has approved hearings to begin on Friday, July 15, at 10 a.m., the week we return from the summer recess.

For a long time, I have been deeply concerned about this program, a program which was created by the Committee on Banking and Currency.

S. 3561, reported by our committee passed by the Senate on June 9, 1958, passed by the House on July 23, 1958, and signed by the President on August 21, 1958, was known as the Small Business Investment Act of 1958.

On six distinct occasions, the Subcommittee on Small Business held hearings and recommended legislation to the Committee on Banking and Currency which, in turn, recommended legislation to the Senate and secured enactment of legislation relating to this program.

Our subcommittee recommended S. 2611 a bill to amend the Small Business Investment Act of 1958. It passed the Senate on September 10, 1959. It passed the House on May 16, 1960, and was signed by the President on June 11, 1960.

Our subcommittee also recommended S. 902 which passed the Senate on September 1, 1961, passed the House on September 6, 1961, and was signed by the President on October 3, 1961. This added significant amendment to the Small Business Investment Act of 1958.

S. 2970 was a bill to amend the Small Business Act which passed the Senate June 14, 1962—after having been considered and redrafted in the Subcommittee on Small Business of the Committee on Banking and Currency—passed the House on July 2, 1962, and was signed by the President on July 25, 1962.

Then, Madam President, in 1963, at my request, the Subcommittee on Small Business held hearings concerning serious conflicts of interest which had developed in the small business investment program.

After these hearings, S. 298, a bill to amend the Small Business Investment Act of 1958, was amended to direct the SBA to issue regulations regarding conflict of interest. The bill, as amended, was reported by the subcommittee to the full committee.

The bill was reported to the Senate by the full Banking and Currency Committee. It passed the Senate November 21, 1963, and passed the House on January 20, 1964. It was signed by the President on February 28, 1964.

Our subcommittee held hearings on H.R. 7487 and S. 2729, which subsequently passed the Congress, the first one in 1965 and the second in 1966, both of which directly affected the SBIC program.

Madam President, I have gone into this specific detail at this time because I believe it should be made clear that the Committee on Banking and Currency has jurisdiction over this program and that the subcommittee, of which I am chairman, has specific jurisdiction and has exercised that jurisdiction repeatedly.

It is also necessary to make that clear because there seems to be some conflict of jurisdiction with regard to this program.

The program is in trouble. The head of the small business investment program in the Small Business Administration resigned as of today. He announced his resignation some time ago, to take effect on June 30.

He said in a speech which was delivered both in San Francisco and New York, I believe, that the program has suffered in many respects.

The capital of a number of small business investment companies has been seriously impaired. A substantial amount of Federal money seems to be in serious jeopardy, probably as much as $18 million to $20 million is likely to be lost.

Although this program is in trouble, I think it is well worth saving. Saving the program—so that small business will have a source of raising equity and long-term loan capital—should be the main objective of the Congress. Of course any illegal act should be swiftly and fully punished. But saving the program—not scandalous revelations—should be our prime purpose.

Conflict-of-interest developments have been substantial, but there has been too little concern paid to what, in my mind—and I think in the minds of the overwhelming majority of Senators—should be the main purpose of the program.

There has also been much too little concern for small businessmen who should be the main beneficiaries of this program. Concern has been expressed for the small business investment companies, and their investors, and it should be so expressed. It has been expressed for the Government's investment in this program, and I believe that is right, too. But the intent of the program was to give small business an opportunity to secure long-term loans and quality capital. Not investors, not the Government, but the American small businessman must be our prime concern, in considering this program.

Here is where the small business investment program must succeed. To date, it has not. Unfortunately, neither Mr. Kelly nor outside critics seem primarily concerned with this central obligation.

Fortunately, the new Administrator for the Small Business Administration who has just taken over and, of course, cannot be held responsible for what has happened heretofore. Mr. Boutin is a very able man who has served the Government very well in other capacities. He seems to have a genuine concern with SBA's obligations to small business. He recognizes clearly that the SBIC's have one reason to exist: to help small business. This will be the prime measure of the success or failure of the SBIC program. This is the real measure of its success or failure.

Madam President, the purpose of the hearings, to be held beginning July 15, is to make an examination of every phase—and I emphasize the words "every phase"—of the SBIC operation. This is the responsibility of the Small Business Subcommittee of the Committee on Banking and Currency. We intend to exercise it.

THE U.S. BALANCE OF PAYMENTS—THE CURRENT-ACCOUNT POSITION

Mr. PROXMIRE. Madam President, the balance-of-payments statement for the first quarter of this year is now published. The figures are there but they are as hard to interpret as a code. For these accounts show neither the cause of our deficit nor the appropriate remedies. They show merely the major changes in receipts and in payments, not what brought about those changes. Yet many commentators are willing to identify one single component as the cause of the trouble, to concentrate attention on this alone and to make quick prescriptions of policies. I suggest that greater care is needed.

For a long time now the Joint Economic Committee has maintained an active and continuing interest in this matter. I quote from the most recent report of that committee on the January 1966 Economic Report of the President:

> The deficit in the U.S. balance of payments is somewhat abnormal in its causes. Traditional imbalances have been caused by unfavorable trade, that is, by buying more goods abroad than the Nation sold to others. The reverse is true in our case. We have a substantial trade surplus and we earn $5 billion a year on foreign investments. The factors which throw our payments balance into deficit are our heavy military expenditures overseas and the fact that at the present time our businessmen are investing heavily in Europe.

Have recent events altered that assessment? I think they have slightly and wish to comment on the current-account position.

The newspapers have observed already that the increased military spending abroad suggests a growth of about one-half billion dollars a year in our outlays. What is of at least equal significance is that by comparison with 1964 our characteristic surplus on merchandise trade has declined by over 4 times that amount—from an annual rate of over $6.5 billion in 1964 to an annual rate of a little less than $4.5 billion in the first

quarter of this year. The substantial trade surplus mentioned in the Joint Economic Committee's commentary is less substantial than it was. So even if our great income from foreign investments has been well maintained, our surplus on current account—what the tables call our balance on goods, services, and unilateral transfers—is showing a declining trend.

This is at the heart of our international business. The primary purpose of international dealings is not trade in gold but trade in goods and in services, including in that the payment for services of invested capital. Thus I regard the lower surplus on merchandise trade and on current account far more seriously than the continuing nagging outflow of gold or the continuing overall deficit which is so hard to reduce. This has not been the byproduct of distress but rather of prosperity. Our exporters are continuing to do well—the first quarter rate was about 8 percent above the 1965 total. But our imports have risen and continue to rise at a substantially faster rate even than the rise in our gross national product. Last year imports rose by over 15 percent—more than twice as fast as gross national product. This first quarter the ratio has been maintained.

What this means is that our continuing growth is not likely to bring about a substantially reduced rate of increase in imports or a substantially easier achievement of increased exports. We cannot accept the restraint on domestic growth that derives from international difficulties. More specifically, we cannot accept restraints deriving from barriers to our exports. We have maintained a steadfast adherence to a policy of liberalizing trade and have shown a very great predilection for importing hugely in time of prosperity. I hope that other prosperous countries will accept that same approach and help to maintain the expansion of world trade. Let us all be aware of the consequences of not continuing that expansion. If other countries do not respond to our liberal intentions, the result will be costly to all of us.

In support of my position I request that two small statistical tables be incorporated in the RECORD.

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

The U.S. balance of payments on current account, 1960 to 1st quarter 1966

[Millions of dollars]

	1960	1961	1962	1963	1964	1965	1966 [1]
Goods:							
Exports [2]	19,489	19,936	20,604	22,069	25,288	26,276	28,484
Imports	14,732	14,507	16,173	16,992	18,619	21,488	24,012
Balance	4,757	5,429	4,431	5,077	6,669	4,788	4,472
Services: [3]							
Exports [2]	7,755	8,621	9,674	10,284	11,729	12,717	13,180
Imports	8,445	8,417	8,956	9,444	9,838	10,548	11,620
Balance	−690	204	718	840	1,891	2,169	1,560
Total goods and services:							
Exports [2]	27,244	28,557	30,278	32,353	37,017	38,993	41,664
Imports	23,177	22,924	25,129	26,436	28,457	32,036	35,632
Balance	4,067	5,633	5,149	5,917	8,560	6,957	6,032

[1] Preliminary; seasonally adjusted annual rate.
[2] Excludes exports transferred under military grants.
[3] Details of service account:

	1960	1961	1962	1963	1964	1965	1966 [1]
Transportation, net	−163	−138	−164	−201	−147	−276	−288
Travel, net	−857	−850	−1,007	−1,156	−1,121	−1,188	−1,324
Miscellaneous services, net	692	737	942	+1,084	1,168	1,415	1,356
Income on investments, net:							
Private	2,334	2,905	3,237	3,285	4,051	4,231	4,344
Government	17	102	132	98	2	24	44
Military spending, net	−2,713	−2,552	−2,422	−2,270	−2,062	−2,037	−2,572

Sources: U.S. Department of Commerce, Balance-of-Payments Statistical Supplement, revised edition and Survey of Current Business, June 1965 and June 1966.

Percentage change in U.S. imports and in gross national product

	Percentage change from—			Ratio of percentage change in imports to percentage change in GNP		
	1960 to 1964 (annual rate)	1964 to 1965	1965 quarterly average to 1st quarter 1966	1960 to 1964	1964 to 1965	1965 quarterly average to 1st quarter 1966
Gross national product	5.7	7.6	5.6			
Total imports [1]	6.0	15.4	11.8	1.1	2	2.1

[1] On balance of payments basis.

Source: U.S. Department of Commerce, Survey of Current Business, June 1966.

Mr. PROXMIRE. Madam President, I think we should be aware that the adverse balance of payments may become far more serious. We have been riding on a favorable balance of trade. In 1964 it was $6.5 billion, now it is down to $4.5 billion, and likely to stay down. Our favorable balance means an unfavorable balance for other nations of the world. This is something they refuse to accept, and are working hard to overcome. It has enabled us to have a most generous foreign aid program and a widespread military program of troops stationed over the world.

We shall have to come to grips with this problem, because in my judgment, with the favorable balance of trade decreasing from $6.5 billion in 1964 to a rate of $4.5 billion in the first quarter of this year, it represents a situation that we are going to have to handle in the ways we can handle it.

It is clear that we are not going to impose barriers on imports. If we did that, other countries would impose barriers against our exports, which would be far more serious.

We can reduce our troops stationed abroad, and we are going to have to do it. Unfortunately, regardless of our motives, and I am sure they are good, we are going to have to meet the realities of international finance.

In regard to the balance of payments, many people argue it is due to the fact that we have unfavorable interest rates and that they are lower abroad. I ask unanimous consent that a table showing the rates on short-term bank loans around the world be printed in the RECORD at this point.

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

RATES ON SHORT-TERM BANK LOANS AROUND THE WORLD

Against the background of rising interest rates in most of the leading financial centers, our readers may find it helpful to have, once again, a compilation of rates on bank loans in seventy countries ringing the globe.

The interest rates indicated are the lowest at which business firms of the highest standing can obtain credit on an unsecured, single-name basis. Credit may, of course, be scarce at these minimum rates and local customs often make the effective cost of borrowing higher. It is customary to add commissions or other charges; for a number of countries, the posted rates are, in fact, nominal. In the case of the United Kingdom, the rate given is the whole cost and is applied to overdrafts within agreed limits.

The importance of single-name lending varies from market to market. In some markets, it is common practice for firms to obtain needed funds by discounting eligible commercial paper at commercial banks; in a number of European nations, particularly France and Italy, discount rates are below those on advances.

In the United States, in view of strong and persistent demands for bank credit and sharp rises in rates on other forms of credit, commercial banks brought their minimum lending rates into alignment by increasing them, beginning March 10, by ½ per cent to 5½ per cent. This followed a similar adjustment to 5 per cent in December 1965, prior to which the rate had remained unchanged at 4½ per cent since August 1960.

In Canada, commercial bank lending rates are at 6 per cent—the statutory ceiling—even though other interest rates have advanced sharply over recent months. The

removal of the 6 per cent ceiling is now under review.

Among other leading financial centers, commercial bank lending rates in Belgium, the Federal Republic of Germany, the Netherlands, Sweden and Switzerland are higher than a year ago. On the other hand, bank lending rates in France, Japan and the United Kingdom are lower. In Britain, the decline has brought British interest rates closer to those prevailing in the main Continental centers.

The highest rates, often exceeding 10 per cent, prevail in countries where shortages of capital are particularly acute. Recognizing these pressures, the authorities in Brazil doubled the maximum bank lending rate to 24 per cent from the 12 per cent level which had been in force for many years. In general, high and rising rates on bank loans reflect not only the scarcity of funds but also the rapid depreciation of money.

Short-term lending rates

[In percent]

	April 1966	January 1965	February 1962
MAJOR MONEY CENTERS			
France [1]	5.35	6.35	5½-6½
Japan [2]	5.475	6.205	7.3
United States	5½	4½	4½
Switzerland	5¼-6	4¾	4½
Canada	6	5¾	5½
Netherlands	6-6½	5½	5¼
Germany, Federal Republic of	6¾	6¼-6½	5¾-6¼
United Kingdom	6¾-7	7½-8	6½-7
Belgium	7	6¾	5¾-7
Italy [1]	7½	7½	7⅛
Sweden	7¼-7¾	6¾-7¼	7¼
OTHER DEVELOPED AREAS			
Portugal	4½	4	5
Norway	5¾-6¼	5¾-6¼	5¾-6¼
New Zealand	5½-7	5½-6½	6½
Australia	6¾-7¼	6½-7	6-6½
South Africa	7	6½	6½
Ireland	7¼	7	7
Finland	7-8	7-8	7-7½
Spain	7½	6½-7½	6½
Austria	7½-8½	7-7½	7½-8
Greece	8½	8½	7-9
Denmark	8½-9	8-9	8½-9
Iceland	9-10	9	(3)
Turkey	9-10½	9-10½	9
OTHER WESTERN HEMISPHERE			
Puerto Rico	6	5-5¼	5
Panama	6-7	6	6
Bahamas	7	7½	7½
Jamaica	7	7	7½
Nicaragua	7	6	7
Trinidad and Tobago	7	7	(3)
Costa Rica	8	7	8
Guatemala	8	8	8
Honduras	8	8	7
Dominican Republic	8½	8	(3)
El Salvador	8-9	7	8½-9
Venezuela	8½	7½-8	8
Ecuador	10	10	10
Mexico	11	10½	10
Uruguay	11	11	10
Paraguay	12	12	12
Colombia	12-14	12	9
Peru	14	12-13	12-13
Argentina	15	15	10
Bolivia	18	21	21
Chile	18.36	16	17
Brazil	24	12	12
OTHER ASIA			
Lebanon	5½	5½	5½
Pakistan	6-6½	6½	5
Hong Kong	6½	6¾	6½
Saudi Arabia	6½	6	(3)
Jordan	7	7	6
Malaysia	7	7	6½
Singapore	7	7	6½
Vietnam	6½-8	6½-7	6½-8
Dubai	8	(3)	(3)
India	9-9½	7	6
Iraq	8-12	8-12	5½
Israel	10	10	10
Philippines	10	9½	8-8½
Iran	10-12	10-12	10-15
Republic of China (Taiwan)	14.04-14.18	(3)	(3)
Korea	26	16	17½

Short-term lending rates—Continued

[In percent]

	April 1966	January 1965	February 1962
OTHER AFRICA			
Libya	6	(3)	(3)
United Arab Republic (Egypt)	6	5½	6
Liberia	7	6	6
Morocco	7	(3)	(3)
Kenya	8	(3)	(3)
Nigeria	8	7½	7
Tanzania	8	(3)	(3)
Uganda	8	(3)	(3)

[1] A large amount of borrowing is done by discounting trade paper at rates below the rate on advances.
[2] Standard rate to banks on commercial paper eligible for rediscount with the Bank of Japan.
[3] Not available.

Mr. PROXMIRE. Madam President, I point out that France, Japan, Switzerland, and Portugal have lower interest rates than we have, and other major countries have interest rates close to ours.

Just today one of the larger banks in this country announced that interest rates will be increased. This increase will spread within a few days. Interest rates in this country are higher than they have been virtually since we started keeping records. We cannot and will not increase interest rates much more. And interest rates abroad are unlikely to decline in the foreseeable future. Obviously, monetary policy offers no solution. It could even worsen our future payments balance.

In later floor speeches, I intend to discuss alternative courses of action available to us in more detail.

POLICE INVESTIGATION REPORT ON DISTRICT OF COLUMBIA DEPARTMENT OF LICENSES AND INSPECTIONS

Mr. MORSE. Madam President, for several years I have heard rumors of favoritism practiced in the Department of Licenses and Inspections, and so, when I received a letter dated January 12, 1965, addressed to me by a Mr. Harry Williams, who made specific allegations of graft and corruption in the Department of Licenses and Inspections, I addressed a letter on January 29 of last year to Commissioners Tobriner, Duncan, and Duke, urging them to investigate the allegations contained in Mr. Williams' letter, and provide me with a report at their convenience. I ask unanimous consent that Mr. Williams' letter of January 12, 1965, and my letter of January 29, 1965, addressed to the District Commissioners, be printed in the RECORD at this point.

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

WASHINGTON, D.C.

Hon. WAYNE MORSE,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Your efforts to eliminate Traffic Ticket Fixes are commendable.

Now how about eliminating the graft and corruption in the Department of Licenses and Inspection?

How much did Gleason, Mastin, Fetty, Robinson and others in the Department receive and demand to expedite and approve plans which met all code requirements?

How much did Architects, Engineers and Contractors distribute at Christmas?

How and to whom was the envelopes with cash delivered? Was it delivered to Gleason and others or was it all delivered to the office or some of the homes for distribution?

Among the professional people how much did Earl von Reichenbach, John E. Moore, Shefferman and Bigelson, Wendel, Hallett and others contribute?

How do I know? I gave an envelope to Gleason and Hansch for them to make the distribution to people on the list supplied by Gleason, Fetty and Hansch. I gave $50.00 directly to Mastin.

I am a draftsman and do work for several architects, engineers and contractors. My work takes me to the Department of Licenses and Inspections several times a week either to file plans, make corrections, or pick up permits.

It might also interest you to find out why building plans were rushed through for a project on 3rd. St. when those in the Department knew the land was in process of condemnation. Who got what and how much?

Very truly yours,

HARRY WILLIAMS.

U.S. SENATE,
COMMITTEE ON THE
DISTRICT OF COLUMBIA,
January 29, 1965.

Hon. WALTER N. TOBRINER,
President, Board of Commissioners,
District Building,
Washington, D.C.

DEAR MR. TOBRINER: I am enclosing a copy of a letter I recently received from Mr. Harry Williams who alleges that certain officials of the District of Columbia government have received money from business firms which transact business with the Department of License and Inspections.

I am sending copies of the letter from Mr. Williams to Commissioners Duncan and Duke.

I would appreciate it very much if your office would look into the allegations contained in the letter and provide me with a report at your convenience.

Sincerely yours,

WAYNE MORSE.

cc: Commissioner Duncan
Commissioner Duke
Encls.

Mr. MORSE. I received a letter from Commissioner Tobriner, president of the District of Columbia Board of Commissioners, on February 5, 1965, stating that he had discussed the matter with General Duke, and that it was decided that the allegations should be investigated without delay. The District Commissioners then assigned the matter to the Special Investigations Unit of the Metropolitan Police Department for a thorough investigation. I ask unanimous consent that Commissioner Tobriner's letter of February 5, 1965, be printed in the RECORD at this point.

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

FEBRUARY 5, 1965.

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: I have your letter of January 29, 1965 with which you transmitted copy of letter from Mr. Harry Williams, alleging improprieties on the part of certain personnel in the Department of Licenses and Inspections.

I have discussed this matter with General Duke who as you know has primary responsibility for that Department. He

shares my feeling that it should be looked into without delay, and I would therefore advise that I am today asking Chief Layton to refer the matter to his Special Investigations Unit for a thorough investigation.

I will, of course, report the results of that investigation to you when it is completed.

Sincerely yours,

——— ———,

President, Board of Commissioners, District of Columbia

Mr. MORSE. The Internal Investigations Unit of the Metropolitan Police Department headed at that time by its capable Deputy Chief of Police Loraine T. Johnson, conducted the investigation over a period of several months. During the course of that investigation, the Internal Investigations Unit interviewed and questioned many Government employees and some business representatives concerning the acceptance and giving of gifts to employees of the Department of Licenses and Inspections. The report of the Internal Investigations Unit was referred to the Chief Assistant U.S. Attorney for the District of Columbia Court of General Sessions and the Acting Corporation Counsel for the District of Columbia to determine whether there was any legal basis for criminal prosecution of certain employees in the Department of Licenses and Inspections. In the opinion of these two officials, no basis exists for criminal prosecutions in this matter. I agree with their legal opinion.

On January 26, 1966, I had a member of the staff of the Committee on the District of Columbia obtain from the District Commissioners the police report which I requested many months ago. I ask unanimous consent that the letter of transmittal, addressed to me by Brig. Gen. C. M. Duke, Engineer Commissioner for the District of Columbia, be printed in the RECORD at this point.

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

GOVERNMENT OF THE DISTRICT OF COLUMBIA,

Washington, D.C., January 26, 1966.

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: The report conducted by the Internal Investigations Unit of the Metropolitan Police Department is enclosed in response to a telephone request made yesterday by Mr. Richard Judd. I regret the length of time the investigation and consideration of the report has taken. In this letter I will briefly outline the main points of the report and the action taken by the Board of Commissioners.

The Acting Corporation Counsel studied the police report and discussed it with the Chief Assistant U.S. Attorney for the District of Columbia Court of General Sessions. The Chief Assistant U.S. Attorney concluded that no basis exists for criminal prosecution and so notified the Acting Corporation Counsel, who agreed with this decision.

The charges made of widespread graft and corruption in the Department were not substantiated by the investigation. The report does indicate, however, that violations of the Commissioners' Order regarding non-acceptance of gifts and gratuities did exist prior to Christmas, 1965. The Board of Commissioners has strengthened its previous policy regarding gifts and gratuities by an order dated December 3, 1965 (copy enclosed). In this connection, the Department of Licenses and Inspections issued a notice to all employees dated December 7, 1965, calling attention to the revised Commissioners' Order (copy enclosed). In addition, the Department Director sent notices to thirty firms and organizations calling attention to the same order. The Board of Commissioners is not aware of any violation of this order in 1965.

The Board denied Certificates of Merit to former members of the Engineering Branch Department of Licenses and Inspections, as a result of their involvement in acceptance of gifts. These certificates are given to all long-time District employees upon retirement. In this connection, the Director of the Department of Licenses and Inspections was asked whether he had accepted gifts and gratuities over the past two years. He replied in the affirmative and a copy of his report is enclosed.

While the Board of Commissioners believes that the allegations of widespread graft and corruption were not substantiated by the police investigation, they do believe that the present administrative procedures are very inadequate. Steps are being taken to study and strengthen these procedures and every effort will be made to preclude a repetition of those matters brought out by the investigation.

You will be subsequently notified of any final actions taken by the Board as a result of the police investigation.

I believe that I should point out that the Chief of Police has written to the Board of Commissioners pertaining to the police investigation and stated that "consideration be given to the request of employees and others in the building industry that their statements be retained in as confidential a status as possible lest they be subjected to reprisal measures because of the disclosures contained therein."

With kind personal regards.

Sincerely,

C. M. DUKE,
Brigadier General, U.S. Army, Engineer Commissioner.

Enclosures.

Mr. MORSE. General Duke states in his letter of transmittal that certain employees in the Department of Licenses and Inspections violated the Commissioners' order regarding nonacceptance of gifts and gratuities, but stated that in his opinion charges of widespread graft and corruption in the Department were not substantiated by the investigation.

On December 3, 1965, the District of Columbia Commissioners spelled out in greater detail another order regarding the nonacceptance of gifts and gratuities on the part of District of Columbia employees. General Duke also states that he believes that the present administrative procedures in the Department of Licenses and Inspections are very inadequate, and that steps are now under way to improve these procedures. I ask unanimous consent to have printed in the RECORD at this point a copy of a Commissioners' order dated December 3, 1964, pertaining to the acceptance of gifts and gratuities by employees of the District of Columbia government.

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

GOVERNMENT OF THE DISTRICT OF COLUMBIA, EXECUTIVE OFFICE,

Washington, D.C., December 3, 1964.

NOTICE TO HEADS OF DEPARTMENTS, ALL DISTRICT EMPLOYEES AND THE GENERAL PUBLIC

At this particular season of the year the Board of Commissioners wishes to call attention to its policy regarding the acceptance of gifts and gratuities by officers and employees of the District Government. The policy referred to is contained in the District Personnel Manual, Chapter 10, Section C, and states, in part, the following:

"1. An officer or employee shall not accept gifts or gratuities from organizations, business concerns, or individuals with whom he has, or reasonably could be expected to have, official relationships on business of the District Government. Similarly, employees are prohibited from accepting personal or business favors such as loans, discounts, services, or other considerations of monetary value which might influence or be suspected of influencing the employee's decisions as a representative of the District Government. These limitations are not intended to prohibit the acceptance of articles of negligible value which are distributed as a means of advertising nor to prohibit employees from accepting social courtesies which promote good public relations. It is particularly important that officers and employees dealing with the general public guard against any relationships which might be construed as evidence of favoritism, coercion, unfair advantage, or collusion."

Department directors and agency heads whose organizations are subject to the personnel program of the Board of Commissioners should assure themselves that their employees are aware of and comply with the policy referred to herein.

Further, employees should be advised that in returning or declining prohibited gifts and gratuities they should write to the donor stating District Government policy prevents acceptance of the gift. In the case of perishable products which cannot be returned to the donor prior to spoilage, or if for some other reason an article is not readily returnable, the employee shall donate them to one of the District Government health or welfare institutions or to some charitable organization.

Should District agencies be contacted by an organization, business concern or individual who wishes to present gifts or gratuities to employees of the agency, it is directed that they be advised of the terms of the policy. Further, should the person making the inquiry insist upon expressing appreciation for services rendered by District employees he should be advised that a donation may be made to one of the District Government health or welfare institutions, and that donations to the institutions are in fact encouraged by the Commissioners. The policies of the Commissioners with regard to cash gifts and donations to the institutions are also contained in Chapter 10C of the District Personnel Manual.

To obviate possible disciplinary action against employees, intended donors are requested to cooperate with the Commissioners in effecting compliance with this long standing policy of the District Government.

WALTER N. TOBRINER,
President.

Mr. MORSE. I ask unanimous consent to have printed in the RECORD at this point a copy of the District Commissioners' new order of December 3, 1965, relating to the same subject.

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

[G.F. 3-591]

GOVERNMENT OF THE DISTRICT OF COLUMBIA, EXECUTIVE OFFICE,

Washington, D.C., December 3, 1965.

NOTICE TO HEADS OF DEPARTMENTS, ALL DISTRICT EMPLOYEES AND THE GENERAL PUBLIC

The Board of Commissioners wishes to call attention to its continuing policy regarding the acceptance of gifts and gratuities by of-

ficers and employees of the District Government, which, in part, is as follows:

"1. An officer or employee shall not accept gifts or gratuities from organizations, business concerns, or individuals with whom he has, or reasonably could be expected to have, official relationships on business of the District Government. Similarly, employees are prohibited from accepting personal or business favors such as social courtesies, loans, discounts, services, or other considerations of monetary value which might influence or be reasonably suspected of influencing the employee's decisions as a representative of the District Government. These limitations are not intended to prohibit the acceptance of articles of negligible value that may be proffered primarily as a means of advertising. It is particularly important that all officers and employees guard against any relationships which might be construed as evidence of favoritism, coercion, unfair advantage, or collusion." (District Personnel Manual)

Department directors and agency heads should assure themselves that their employees are aware of and comply with the policy referred to herein.

Further, department heads and employees are advised that if they receive items that should be returned or declined, they should write to the donor stating District Government policy prevents acceptance of the gift. In the case of perishable products which cannot be returned to the donor prior to spoilage, or if for some other reason an article is not readily returnable, the article shall be donated to one of the District Government health or welfare institutions or to some charitable organization.

Should District agencies be contacted by an organization, business concern or individual who wishes to present gifts or gratuities to employees of the agency, it is directed that they be advised of the terms of the policy. Further, should the person making the inquiry insist upon expressing appreciation for services rendered by District employees he should be advised that a donation may be made to one of the District Government health or welfare institutions, and that donations to these institutions are in fact encouraged by the Commissioners. The policies of the Commissioners with regard to cash gifts and donations to the institutions are also contained in Chapter 70C of the District Personnel Manual.

To obviate possible disciplinary action against employees, intended donors are requested to cooperate with the Commissioners in effecting compliance with this long standing policy of the District Government.

WALTER N. TOBRINER,
President, Board of Commissioners, District of Columbia.

Mr. MORSE. I do not believe that any person who has had an opportunity to review the Metropolitan Police Department report has any question about the fact that certain employees of the Department of Licenses and Inspections violated the Commissioner's order of 1964.

Madam President, I received a letter, under date of June 29, 1966, from Commissioner Duke, which followed a major conference that I had with the Commissioner, and which also followed the briefing of the Senator from Oregon in regard to certain steps that were being taken in the Department and in the District Commissioners' offices in trying to see what could be done to prevent what I called lapses of good judgment and acts of impropriety on the part of certain employees in the Department of Licenses and Inspections.

I should like to read into the RECORD at this point a letter that I received from Commissioner Duke under date of June 29, 1966:

DEAR SENATOR MORSE: As a result of our breakfast meeting this morning, I think I should briefly outline, in summary form, the steps that have been taken to alleviate the problems in the Department of Licenses and Inspections which were indicated in the investigative report submitted to you.

As you know, the acceptance of Christmas gifts by public employees has been a long standing problem, not only in the particular department, but in other District agencies as well. Historically, the regulations pertaining to this generally were couched in phrases subject to varying interpretations. The District regulations previous to December 1965 were no exception in this regard, containing the phrase that "the acceptance of social courtesies which promote good public relations" was not prohibited.

Accordingly, on December 3, 1965, and as a result of the investigation, the Commissioners promulgated a new regulation which removed such vague language and on December 7, 1965, Mr. Ilgenfritz, Director of the Department of Licenses and Inspections, issued a strong statement in this regard, not only to his employees, but also to the private organizations throughout the city which normally do business with his Department. From all indications during the past Christmas season, this had the effect of bringing this particular problem to an end and I feel, the precedent now being broken, that it will continue to be controlled in the future.

In regard to administrative practices in the Engineering Branch, Mr. Ilgenfritz in January, 1966 requested our Department of General Administration to asist him in developing new procedures which would essentially eliminate the possibility of any favoritism or improper actions in the processing of engineering plans. This team of specialists is now well underway with its study and many of its recommendations are already in effect. As I mentioned this morning, the substance of these recommendations is to chart the progress of each permit application on a large board, clearly visible to all, to demonstrate the complete objectivity of the review process.

In addition—and I did not mention this today—Mr. Ilgenfritz has just conducted a two-week formal training program for all of his supervisory personnel on supervision and administrative practices, in recognition of the need for such training as brought out in the report.

In view of the procedures briefly outlined above, I feel that the investigation served a worthy purpose towards bringing to light certain practices, which having been corrected, will create an even better image of the District Government.

With kindest personal regards.

Sincerely,

C. M. DUKE,
Brigadier General, U.S. Army, Engineer Commissioner.

Madam President, I have previously made clear to the Senate that when the investigation and my conferences with the District officials were completed, I would make a report to the Senate in regard to the problem. I am pleased to make that report today, Madam President—and a very brief one it will be. In fact, it will take the form of reading to the Senate a letter that I sent to General Duke today, setting forth what I think has been accomplished by the investigation, and setting forth also my deep appreciation to the District government officials involved, and particularly to the police investigators for conducting this investigation, which I think has brought forth so much good by way of cleaning up a situation that sorely needed to be cleaned up.

My letter to General Duke reads as follows:

DEAR GENERAL DUKE: I want you to know that I appreciated very much your going over the Metropolitan Police Department report on the Department of Licenses and Inspections with me at breakfast yesterday morning, as well as informing me of the measures which have been initiated by you since you received the report.

As I stated to you at our breakfast meeting, my objective from the beginning of the Department of Licenses and Inspections investigation has been to bring about the necessary procedural changes within that important department of the District Government in order to assure the protection of the public interest.

The Police Department report reveals that gratuities were received, especially around Christmas time, by many employees of the Department of Licenses and Inspections. I fully agree with the opinion of the United States Attorney and the Corporation Counsel that the acceptance of such gratuities was not in violation of any criminal law, and thus, the individuals concerned are not indictable. In my opinion, however, many employees in the department experienced a lapse of good judgment in accepting the gifts and gratuities. However, it should be said in fairness to them that the value of any specific gift amounted to only a few dollars. The police report shows that the gifts in most instances were in the form of a turkey, a ham, bottles of liquor, gift certificates of $5.00 value and similar small Christmas gifts. As you agreed at our breakfast conference, the investigation has had a very salutary effect, resulting in the following actions being taken within the Department to stop these undesirable practices found by the police investigation.

On December 3, 1965 the Board of Commissioners promulgated a new regulation strictly prohibiting the acceptance of gifts by all District of Columbia employees. The new regulation supersedes previous regulations on the subject which could possibly have been interpreted to mean that certain types of gifts and gratuities could be accepted by employees in the Department. The new regulation leaves no doubt that all gifts or gratuities are prohibited.

On December 7, 1965 the Director of the Department of Licenses and Inspections, Mr. J. J. Ilgenfritz, issued a strong and forthright statement on the subject to both his employees and business organizations transacting business with his department. I have been assured that the acceptance of gifts by employees in this department and throughout the District Government has been stopped.

In my judgment, the disclosures by the police investigation report in regard to the widespread practice of accepting Christmas gifts by many employees in the Department and the subsequent regulations issued by the District of Columbia Commissioners and by Mr. J. J. Ilgenfritz will do much to restore public confidence in the services of the Department of Licenses and Inspections. I think all who are interested in good government in the District of Columbia owe a debt of gratitude to the police investigators who prepared the report and to the Board of Commissioners for issuing the new regulations that should bring to an end any lapses of good judgment on the part of any employee in the Department in respect to accepting any gifts from anyone who does business with the Department.

As a result of the police investigation report and the new regulations which the Board of Commissioners promulgated, based upon the report, the record shows, as you pointed out at our breakfast conference, that there is no evidence of any violations of the

regulations during the 1965 Christmas season in respect to the acceptance of gifts from representatives of companies or individuals doing business with the Department.

One of the most disturbing complaints against the operations of the Department which was looked into by the police investigators was the frequently made charge that some officials within the Department had been granting special favors to some architectural firms in taking their requests for clearance of their plans out of order and giving their requests earlier consideration than they otherwise would have received if the cases were considered in the order of their filing. This practice, which the police investigation found did exist to some extent, was resulting in a growing criticism that the Department engaged in practices of favoritism in the handling of the business of the Department.

In my report to the Senate, I shall make clear that as a result of the police investigation report, the Director of the Department of Licenses and Inspections has taken the necessary steps to stop this malpractice. He has done it, as you pointed out in our breakfast conference, by requesting the Department of General Administration in January, 1966 to make a management study of his Department with the view of developing better procedures with regard to handling engineering plans. Such a study is presently going on with a number of recommendations already in force. The Director of the Department of Licenses and Inspections has developed a much needed two-week formal training program for all supervisory employees within his department.

In my report to the Senate, I shall call favorable attention to the new policies the Director of the Department has adopted in his determination to meet the needs for administrative improvements disclosed by the police investigation. Thus, as you point out in your letter to me of June 29, 1966, dealing with this particular administrative problem of eliminating any favoritism in the handling of engineering plans by the Department:

"Mr. Ilgenfritz in January, 1966 requested our Department of General Administration to assist him in developing new procedures which would essentially eliminate the possibility of any favoritism or improper actions in the processing of engineering plans. This team of specialists is now well underway with its study and many of its recommendations are already in effect. As I mentioned this morning, the substance of these recommendations is to chart the progress of each permit application on a large board, clearly visible to all, to demonstrate the complete objectivity of the review process.

"In addition—and I did not mention this today—Mr. Ilgenfritz has just conducted a two-week formal training program for all of his supervisory personnel on supervision and administrative practices, in recognition of the need for such training as brought out in the report."

As you know, it was at my request that the police investigation of the Department of Licenses and Inspections was ordered by the Board of Commissioners. As I pointed out in our breakfast conversation, the police report shows that in some instances some employees were not cooperative with police investigators. I would like to suggest that after the Board of Commissioners has had an opportunity to thoroughly review the above-mentioned police report, the Board will take whatever action is necessary to achieve full cooperation henceforth from such employees.

In view of the findings of the United States Attorney and the Corporation Counsel that the report of the police investigators did not show any conduct of any employee that would justify a criminal prosecution in violation of the law, I have decided not to make the police report on the Department of Licenses and Inspections public. It could serve no useful purpose. I have reached that conclusion in view of the fact that procedural administrative steps have been or are being taken to eliminate undesirable practices that some employees engaged in and which gave rise to the investigation in the first place. Therefore I do not feel justified in releasing the police report that would unnecessarily harm many individuals that could have been very well intentioned, but mistaken in their judgment.

The fact is that, as a result of my inquiry and the Police Department investigation, new rules and procedures have been promulgated by the District of Columbia Commissioners and by Mr. Joseph J. Ilgenfritz, Director of the Department of Licenses and Inspections, which provides the public and District employees guidelines that should protect the public interests henceforth. I wholeheartedly agree with those guidelines. As a member of the Senate District of Columbia Committee I shall confer with you from time to time in the future to obtain your views as to how the new rules and procedures are working out. I think we have every reason to believe that administrative action taken under them will eliminate any justification for criticism of the Department in the future in respect to any of the findings of the police investigation report.

With kindest regards,

Sincerely,

WAYNE MORSE.

Madam President, I ask unanimous consent that there be printed at this point in the RECORD all the documents by way of regulations and procedures that have been promulgated by Mr. Ilgenfritz and by the Commissioner dealing with this subject matter.

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

GOVERNMENT OF THE DISTRICT OF COLUMBIA, EXECUTIVE OFFICE,
Washington, D.C., December 3, 1964.

NOTICE TO HEADS OF DEPARTMENTS, ALL DISTRICT EMPLOYEES AND THE GENERAL PUBLIC

At this particular season of the year the Board of Commissioners wishes to call attention to its policy regarding the acceptance of gifts and gratuities by officers and employees of the District Government. The policy referred to is contained in the District Personnel Manual, Chapter 10, Section C, and states, in part, the following:

"1. An officer or employee shall not accept gifts or gratuities from organizations, business concerns, or individuals with whom he has, or reasonably could be expected to have, official relationships on business of the District Government. Similarly, employees are prohibited from accepting personal or business favors such as loans, discounts, services, or other considerations of monetary value which might influence or be suspected of influencing the employee's decisions as a representative of the District Government. *These limitations are not intended to prohibit the acceptance of articles of negligible value which are distributed as a means of advertising nor to prohibit employees from accepting social courtesies which promote good public relations.* It is particularly important that officers and employees dealing with the general public guard against any relationships which might be construed as evidence of favoritism, coercion, unfair advantage, or collusion."

Department directors and agency heads whose organizations are subject to the personnel program of the Board of Commissioners should assure themselves that their employees are aware of and comply with the policy referred to herein.

Further, employees should be advised that in returning or declining prohibited gifts and gratuities they should write to the donor stating District Government policy prevents acceptance of the gift. In the case of perishable products which cannot be returned to the donor prior to spoilage, or if for some other reason an article is not readily returnable, the employee shall donate them to one of the District Government health or welfare institutions or to some charitable organization.

Should District agencies be contacted by an organization, business concern or individual who wishes to present gifts or gratuities to employees of the agency, it is directed that they be advised of the terms of the policy. Further, should the person making the inquiry insist upon expressing appreciation for services rendered by District employees he should be advised that a donation may be made to one of the District Government health or welfare institutions, and that donations to the institutions are in fact encouraged by the Commissioners. The policies of the Commissioners with regard to cash gifts and donations to the institutions are also contained in Chapter 10C of the District Personnel Manual.

To obviate possible disciplinary action against employees, intended donors are requested to cooperate with the Commissioners in effecting compliance with this long standing policy of the District Government.

WALTER N. TOBRINER,
President.

GOVERNMENT OF THE DISTRICT OF COLUMBIA, EXECUTIVE OFFICE,
Washington, D.C., December 3, 1965.

NOTICE TO HEADS OF DEPARTMENTS, ALL DISTRICT EMPLOYEES AND THE GENERAL PUBLIC

The Board of Commissioners wishes to call attention to its continuing policy regarding the acceptance of gifts and gratuities by officers and employees of the District Government, which, in part, is as follows:

"1. An officer or employee shall not accept gifts or gratuities from organizations, business concerns, or individuals with whom he has, or reasonably could be expected to have, official relationships on business of the District Government. Similarly, employees are prohibited from accepting personal or business favors such as social courtesies, loans, discounts, services, or other considerations of monetary value which might influence or be reasonably suspected of influencing the employee's decisions as a representative of the District Government. These limitations are not intended to prohibit the acceptance of articles of negligible value that may be proferred primarily as a means of advertising. It is particularly important that all officers and employees guard against any relationships which might be construed as evidence of favoritism, coercion, unfair advantage, or collusion." (District Personnel Manual)

Department directors and agency heads should assure themselves that their employees are aware of and comply with the policy referred to herein.

Further, department heads and employees are advised that if they receive items that should be returned or declined, they should write to the donor stating District Government policy prevents acceptance of the gift. In the case of perishable products which cannot be returned to the donor prior to spoilage, or if for some other reason an article is not readily returnable, the article shall be donated to one of the District Government health or welfare institutions or to some charitable organization.

Should District agencies be contacted by an organization, business concern or individual who wishes to present gifts or gratuities to employees of the agency, it is directed that they be advised of the terms of the

policy. Further, should the person making the inquiry insist upon expressing appreciation for services rendered by District employees he should be advised that a donation may be made to one of the District Government health or welfare institutions, and that donations to these institutions are in fact encouraged by the Commissioners. The policies of the Commissioners with regard to cash gifts and donations to the institutions are also contained in Chapter 10C of the District Personnel Manual.

To obviate possible disciplinary action against employees, intended donors are requested to cooperate with the Commissioners in effecting compliance with this long standing policy of the District Government.

WALTER N. TOBRINER,
President, Board of Commissioners, District of Columbia.

DEPARTMENT OF LICENSES AND INSPECTIONS, OFFICE OF THE DIRECTOR,

December 7, 1965.

Memorandum to: Division, branch and section heads

Subject: Standards of conduct

On December 3, 1965 the Board of Commissioners issued a notice (GF 3-591) to all District Employees, and to the general public, calling attention to its policy regarding the acceptance of gifts and gratuities. Every employee should become familiar with this notice, a copy of which is attached. As a number of questions have been raised by the employees of this Department, and members of our staff, I will endeavor to clarify some issues dealing with gratuities and social amenities.

The acceptance of any gifts or gratuities by an employee, from organizations, business concerns or individuals with whom he has or may reasonably be expected to have business relationships on business of the District, is prohibited, except for articles of negligible value distributed for advertising purposes. Although no monetary value limitation has been placed on such advertising articles, this exception is not to be construed as a means of circumventing the spirit of the order.

In previous orders involving standards of conduct, acceptance of social courtesies of monetary value which promote good public relations was approved; however, the revised Commissioners' Order dated December 3, 1965 prohibits the acceptance of such social courtesies. Accordingly, luncheon, dinner or other invitations to social functions of this nature received from business concerns or individuals must be declined. If such invitations were accepted, prior to receipt of this memorandum, for subsequent events, the host should be notified immediately of the recent action by the Commissioners and of your cancellation.

If an invitation stems from a trade or other business association, it may be accepted, provided the association, rather than an individual member will be your host.

Each supervisor is hereby instructed to review and discuss standards of conduct with all employees under his immediate supervision as soon as practicable, and to emphasize the seriousness of any violations of the attached order or of this memorandum.

J. J. ILGENFRITZ,
Director.

Attachment.

DEPARTMENT OF LICENSES AND INSPECTIONS, OFFICE OF THE DIRECTOR,

January 25, 1966.

To: The Engineer Commissioner.

While the investigation report did not reveal graft or corruption as reported, it did reflect certain weaknesses in the administration of the Engineering Branch which require correction. These are:

1. Acceptance of Christmas Gifts.
2. Insufficient supervision and controls which could allow favoritism in processing plans.
3. Acceptance of incomplete plans which creates undue workload and may allow the plans, upon completion, to be processed out of turn.

Item 1, acceptance of Christmas gifts has been a long standing problem and a great deal of attention has been given to it. I am confident that it was stopped this year. My intention is that the prohibition against receipt of gifts at Christmas or any other time will be strictly enforced and adhered to in the years to come. This was accomplished during the past holiday season by notifying the employees and the business community verbally and in writing. The business community, being well intentioned and reputable, does not wish to do anything that would adversely affect the District. Therefore, gifts were generally not offered this year. In the few instances, where firms did not adhere to the instructions the gifts were not accepted. I will continue to impress the business community and the Department's employees of the gravity of previous practices, however well intentioned, so that the practice of gift giving will be completely eradicated.

Items 2 and 3, regarding supervision, control and the processing of incomplete plans are very closely related and they represent two problem areas. The first being the degree of supervision and the second being the procedures required for the proper processing, approval and recordation thereof, of all plans submitted to the Department.

I propose to have a study made of existing procedures with a view to establishing tighter controls and a greater degree of review by supervisors than now exists. I will examine the practicality of returning incomplete plans to architects who will then receive a new processing number for the finished plans. Also, the desirability of requiring architects to sign their plans upon initial submission will be considered. Log Books will be established for the Mechanical, Electrical and Construction Engineering Sections in addition to the primary Log Book of the Engineering Branch. In this way a greater control will be possible of the processing sequence. Also, I plan to institute the system whereby a card is always used to notify architects of needed correction in plans so that more complete records regarding the job may be maintained.

Although the Engineers of this Department are technically qualified they are generally not versed in good administrative practices. To offset this I am exploring appropriate formal training in supervision and administration. I believe that the guidelines for proper supervision should be drawn by this Department. However, the procedures and records should be developed by this Department with the Management Office's assistance.

In regard to the Department's handling of complaints concerning the propriety of our employees' conduct, I have advised the Division Superintendents to bring all such complaints to my attention so that proper action will be taken.

J. J. ILGENFRITZ,
Director.

GOVERNMENT OF THE DISTRICT OF COLUMBIA, DEPARTMENT OF LICENSES AND INSPECTIONS,

Washington, D.C., December 8, 1965.

GENTLEMEN: On December 3, 1965 the Board of Commissioners promulgated a notice to all District Employees, and to the general public, calling attention to its policy regarding the acceptance of gifts and gratuities. On December 7, 1965 I issued a Departmental Memorandum to our employees in an effort to clarify some of the issues which had been raised by our staff. For your information, copies of these two documents are enclosed, which I believe should be of vital interest to the members of your organization who deal either directly or indirectly with the Department of Licenses and Inspections.

Unless strict application of these orders is adhered to, embarrassing situations may arise which could be avoided if all of us, including the members of your organization, understand the impact of the revised policy.

Accordingly, I request the cooperation of the business community and ask you to acquaint your membership with the contents of the enclosed orders. Please request them to make every effort to avoid any misunderstandings by adhering strictly to the policy set forth in the Commissioners' Order and the Directive which I have issued to our employees. This policy will prevail not only throughout the holiday seasons but throughout the entire year.

Sincerely,

J. J. ILGENFRITZ,
Director.

Attachment.

INVESTIGATION OF MISCONDUCT IN THE DISTRICT OF COLUMBIA DEPARTMENT OF MOTOR VEHICLES

Mr. MORSE. Madam President, I have requested an investigation of a very serious charge that in the Department of Motor Vehicles there has been tampering with the files, resulting in the files of some drivers who had been denied driver permits being withdrawn and new driver permits illegally issued to them.

Madam President, an investigation has been underway in regard to this matter. Commissioner Duke advises me that investigators have evidence that files have been tampered with, but he does not know at this time as to what degree.

We do know, however, that there are those that have been acting unlawfully and, in my judgment, if they can be detected, they are subject to criminal prosecution. If the record so shows, they should be criminally prosecuted, because there is prima facie evidence that, in some instances, apparently several hundreds of dollars have been paid Department of Motor Vehicles employees in order to have a file tampered with and a new permit issued when the person receiving the permit is not entitled to such permit.

Madam President, I want to close by reading a letter of July 29 that I have written to Commissioner Duke with regard to this problem, serving notice here again—and I will have the complete cooperation of Commissioner Duke—that we intend to press this matter until we stop these illegal acts and find out who is guilty and take the necessary legal steps that will bring to an end this gross corruption and graft and malfeasance which apparently a few in this Department have been guilty of.

I wish to state at the very beginning that the head of this department, Mr. England, is one of the most dedicated and able public servants that we have in the entire District of Columbia government. He is just as insistent as is Commissioner Duke and I that we ferret this

matter out and bring the practice to an end.

My position is pretty well covered in my letter to Commissioner Duke.

Before reading my letter, I want to say to my friend, the Senator from Indiana, who is about to make an address, that I wish to extend to him my deep appreciation for his permitting me to make this report which I had to make today because the information had already gone to the Press Galleries. I had also promised District of Columbia officials to make a record in the Senate on this before we adjourn for the Fourth of July recess.

The letter reads:

JUNE 29, 1966.

Brig. Gen. CHARLES M. DUKE,
Engineer Commissioner,
District of Columbia Government,
Washington, D.C.

DEAR GENERAL DUKE: I appreciated very much the opportunity to discuss with you yesterday morning the problem involved in the Department of Motor Vehicles investigation. Prior to our discussion, I did not realize the magnitude of the files maintained by the Department of Motor Vehicles.

In my judgment, there is sufficient prima facie evidence that drivers' permits have been illegally obtained. I believe that the District of Columbia Commissioners should give consideration to closing the offices of the Department of Motor Vehicles at night, as well as on weekends and holidays, to curtail the possibilities of the theft of drivers' records. I also suggest that the Board of Commissioners seriously consider increasing the size of the investigation staff. As you pointed out yesterday, when the computer system is in operation within the next year and a half, it will be possible to detect almost at once any tampering with drivers' records.

Madam President, I digress from the letter to state that in my conversation with General Duke he pointed out to me that Department of Motor Vehicles offices have been open at the request of the Police Department in the District; but neither of us is convinced that such action is necessary, because I believe that keeping the offices open at night and on weekends could partly give rise to this evil.

Madam President, I am informed by General Duke that over a million and a half individual files are involved. This presents some idea of the magnitude of the job of investigating those files. Therefore, all that can be expected for the time being is a spot check of the files, however the spot check of the files already has adduced some showing of illegal tampering.

The general has discussed with me the possibility of closing the office at night and on weekends, because he believes that each day a list of drivers whose permits have been revoked can be made available to the Police Department.

Therefore, if such a driver is picked up by the police, the latter will have access to the list. The primary reason why the police call the driver's permit file office in the event of an arrest is to learn the record of the driver. The police have sought to keep the office open, so that if they pick up someone whose driver's permit has been revoked, they can hold him.

I can see the possible unsoundness of keeping the offices open. That is why in my letter to General Duke I commented as I did on the feasibility of closing the offices at night and on weekends. I continue to read from my letter:

Here again, I am primarily interested in the adoption of procedures that will eliminate malfeasance and corruption on the part of any employee. I am much more interested in adopting techniques and procedures that will prevent wrongdoing, than imposing disciplinary action on government employees who have succumbed to human frailities. I think there is no doubt about our joint obligations to eliminate from public service any employee who commits an illegal act. If it is true that any employee or employees of the Department of Motor Vehicles has tampered with any drivers' records illegally, his services must be dispensed with forthwith. However, we must continue to seek to bring about administrative and procedural reforms within the Department of Motor Vehicles.

I wish to commend the District of Columbia Board of Commissioners for their complete cooperation in regard to this investigation. I wish to especially commend Mr. George England, Director of the Department of Motor Vehicles, for his conduct in handling the problem. In my judgment, Mr. England deserves great credit and high commendation for the concern he has expressed in regard to the problems raised by the police investigation. In my judgment, Mr. England should have the complete cooperation of all agencies of the District of Columbia Government in his efforts to prevent any tampering with Department of Motor Vehicle files, which have occurred without the knowledge of Mr. England.

I sincerely hope that with an increase in the investigatory staff, the investigation of the Department of Motor Vehicles may be completed at an early date.

Your complete cooperation in regard to this matter is deeply appreciated.

With personal regards.

Sincerely,

WAYNE MORSE.

Madam President, that completes, for now, my report on the investigations that have been taking place at my request. From time to time, I shall present progress reports on the continuation of further investigations.

I thank the Senator from Indiana.

VOLUNTARY BANKRUPTCY

Mr. GORE. Madam President, recently the Senate passed a bill to provide further incentives for voluntary bankruptcy. I opposed passage of the bill. I still deplore passage of the act, because the voluntary bankruptcy rate has already been increasing alarmingly. During consideration of the bill, I did not discuss the entrance of the underworld into the bankruptcy racket. Since then, I have had an opportunity to read an article written by Mr. Bill Surface, entitled "Planned Bankruptcy: The Racket That Cheats Us All." I ask unanimous consent that this 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:

PLANNED BANKRUPTCY: THE RACKET THAT CHEATS US ALL

(By Bill Surface)

An appliance store that opened not long ago in the Midwest had a solid bank account, a good credit rating, a fine location and a presumably respectable owner. Within six weeks, however, the owner had reached his unrespectable goal: bankruptcy. He testified in U.S. Bankruptcy Court that his appliances had been "stolen," his books "mislaid," and the bank deposits "gambled away."

While the story sounded implausible, it couldn't be disproved. By law, the owner had to be declared bankrupt, discharged from debts of $220,000 for items ordered from wholesalers, and compelled to surrender his assets to creditors. His assets? A desk, a chair and six toasters.

Such deliberate bankruptcy is an alarming new nationwide phenomenon. Crime syndicates install ostensibly honest front men in business to order merchandise on credit, then loot and legally bankrupt the firm. The loot is sold for half-price or less to fences, funneled into the syndicates' legitimate outlets, or used as display material to start other stores that will be bankrupted. But since these manipulations are almost impossible to prove, creditors are left holding the bag.

Called "scam" operations by the Mafia (from the carnival jargon for "scheme"), planned bankruptcies may today be the underworld organization's largest single racket. The Justice Department has found that syndicate criminals engineer more than 250 bankruptcies a year, averaging $200,000 per job in profits. It is estimated that lone operators, copying Mafia techniques, bankrupt at least a thousand smaller businesses a year. The total is a factor in the disturbing rise of all bankruptcies in the United States—from 59,404 in 1955 to 180,323 last year.

These bankruptcies cost all of us money when we shop. "There's only one way that a wholesaler robbed by bankruptcy gangs can cover losses," says Robert Roper, executive vice president of the National Association of Credit Management. "He must raise his prices. The retailer must then meet costs by increasing consumer prices. So the more planned bankruptcies there are, the more everybody pays." The NACM estimates that crooked bankruptcies increase prices of meat, clothing, jewelry, cosmetics, electrical appliances and furniture by a total of two million dollars each business day.

Under the National Bankruptcy Act of 1938, designed to protect innocent victims of financial reverses, anyone hopelessly indebted can legally dismiss liabilities without being punished. Creditors are permitted to salvage what they can from remaining assets. Although it is illegal to conceal assets or records in bankruptcy proceedings, bankruptcy racketeers usually avoid prosecution by simply not keeping records and by pretending that their money was lost on gambling or high living, which is not illegal. Moreover, the racketeers also know that most firms victimized in scam won't waste time and money to prosecute. While genuine business bankruptcies enable creditors to retrieve an average of 7.1 cents on a dollar, manipulated bankruptcies seldom leave *anything* of value.

Here's how some of the bankruptcy manipulators work:

The Big Buyers. The favorite stratagem is to open a store backed by a large bank account, pay promptly for small initial orders to impress creditors, then quickly increase orders. If a wholesaler hesitates, the crook snaps: "We'll just leave you out in the cold when business goes big." He usually gets what he orders—and keeps ordering without paying, until an irate creditor finally files an involuntary bankruptcy petition against the firm.

Consider the manipulations of Herbert Karasow, a young salesman who opened Karasow Jewelers in Philadelphia. In 1963 Karasow telephoned about 300 orders to wholesalers from California to New York. Then his "promotion manager," Jack Frank (who closed his own business while owing $200,000), pressured suppliers to rush shipments under the pretense that their items

were included in full-page newspaper ads due to appear within two days. Forty salesmen, Frank added, had been hired to handle the anticipated sales. Most dealers met the deadline. As wholesalers demanded payment, Karasow would counter that he, not the suppliers, should be irate: "You aren't filling repeat orders fast enough to keep my salesmen in stock."

By the time Karasow plunged into bankruptcy, he owed suppliers $363,145. Then where, creditors asked, was their merchandise? In an attempt to stimulate business, Karasow explained, he had "robbed Peter to pay Paul" by holding odd-lot "distress sales," then invested Paul's "share" at a Las Vegas gambling casino in an unsuccessful effort to pay everyone. Karasow supported his story with canceled checks for plane fare to Las Vegas, and was adjudicated bankrupt.

In this case, the gambling alibi proved too well-documented. The Las Vegas casino's credit manager remembered—and was prepared to testify—that he had seen Karasow bet such a small amount that his losses, if any, would have been negligible. Last September 22, in U.S. District Court, Karasow was convicted of concealing assets in bankruptcy. No worthwhile assets were ever recovered.

THE INFILTRATORS

The costliest planned bankruptcies result when criminals secretly gain control of an established firm. A classic case ended last February 28. The co-owners of the Murray Packing Co., of the Bronx, N.Y., regularly ordered meat and poultry on seven-day credit for resale to local markets. One day they found themselves undercapitalized, unable to get a bank loan. Whereupon a "meat salesman" (actually a convicted narcotics trafficker), Joseph Pagano, made an offer of help. Pagano arranged for the Murray firm to borrow $8,500 at an exorbitant one-percent weekly interest rate from Jo-Ran Trading Corp., co-owned by Peter Castellana and Carmine Lombardozzi, reputed Mafia leaders. When Castellana demanded his "vigorish" (interest), Pagano again solved the Murray crisis. He bought one third of Murray's stock for $35,000 and took signatory rights on checks to "protect the investment."

While Murray's original owners continued to do the ordering, Pagano did the selling—so energetically that Murray soon had to quintuple its monthly orders to $1,229,000. Then Pagano delivered $922,000 worth of meat at below-cost prices to Pride Wholesale Meat and Poultry Corp. (owned by Castellana).

Pagano deposited Pride's checks in payment for the meat in Murray's bank account. But, instead of using these receipts to pay Murray's suppliers, he immediately withdrew $747,000 for "expenses." After Pagano had siphoned off $1,300,000, the 85 suppliers and farmers to whom Murray owed money were told that the firm would declare bankruptcy and pay 40 percent of its debts. To show good faith, Pagano deposited $100,000 in a new account—which two henchmen later withdrew. Then Pagano took half of the $12,000 remaining in the Murray account for a "fund-raising trip" to Las Vegas' gambling casinos to save Murray from bankruptcy. Naturally, the fund-raising trip failed.

Pagano and five associates were ultimately convicted of fraud, and Pride was fined $10,000. But, typically, the $1,300,000 was not recovered. Pagano "forgot" where he "gambled it away."

THE IMPERSONATORS

If manipulators can't infiltrate an established firm to get unlimited credit, they sometimes use the name of a reputable firm or adopt a name that deceptively resembles it. Often the phony firm operates from a building formerly occupied by the legitimate firm it impersonates.

Stanley Huberman, for example, agreed to buy S. Steinbrecher Furniture Co., a small, near-empty neighborhood store in Philadelphia, from the late owner's widow on condition that he be permitted to rent the building for his own business during a three-month interim needed to close the sale. Whereupon Huberman and an accomplice, Barnett Secouler, used the pseudonym Israel Gerson and Steinbrecher's genuine credit rating to telephone orders to furniture wholesalers from California to Massachusetts. Later, other items were ordered: gold cigarette lighters, antifreeze, hair driers, toy trains and even $7000 worth of candy. These items, suppliers were told, would be used as door prizes.

The store's intensified activity astonished much of the neighborhood. Four or five delivery trucks were constantly lined up at the entrance. Huberman said later that there had been more "burglaries" than sales. Twice he reported to the police that the store had been mysteriously broken into, but he never complied with a police request to itemize any missing articles.

When the time came for Mrs. Steinbrecher to hand over the deed, Huberman was in bankruptcy with debts of $148,000, and the store contained only Christmas wrappings and a garbage can partially filled with invoices. The unfortunate combination of burglary and inveterate gambling, Huberman told Philadelphia's referee in bankruptcy, had caused his insolvency. However, on June 16, 1965, the Justice Department's evidence convicted Huberman and Secouler of conspiracy and concealing assets.

TO CATCH THE BIG ONES

Despite the Justice Department's current campaign against planned bankruptcies, relatively few are reported and considered for prosecution. For one thing, the dramatic rise in all bankruptcies forces some bankruptcy courts to rush cases without examining possibilities of fraud. For another, producing tangible evidence of fraud is slow, ardous work. Although federal agencies investigated about 1600 suspicious bankruptcies in 1964 and 1965, only 89 convictions resulted. Moreover, only one of the convictions involved a scam mastermind.

The Justice Department feels, however, that top scam operators can be convicted if legislation sponsored by Senators JOHN MCCLELLAN, of Arkansas, and FRANK LAUSCHE, of Ohio, is enacted. The bill would allow immunity from prosecution for witnesses—often businessmen indebted to loan sharks and forced to take part in crooked bankruptcy—whose testimony may implicate the scam overlords.

In addition, several other basic questions remain to be answered:

Are our bankruptcy laws an invitation to cheat? "Being discharged from debts in a bankruptcy court is so easy that men are encouraged to repeat the scheme," says Elmer Sivertsen, director of fraud prevention for the National Association of Credit Management.

The solution: Enact legislation making it illegal for anyone to be relieved of debts in more than one business bankruptcy.

Are statutes for bankruptcy fraud too tolerant? If a man is caught burning down a company's building, he may receive 5 to 12 years or more in prison. If he is convicted for deliberately bankrupting the same company and keeping the assets, he is usually sentenced to serve one to five years in prison.

The solution: Sentences should be increased with the amount of the swindle.

Does the gambling-loss alibi facilitate concealing assets in bankruptcy? One swindler who admittedly lost over $200,000 by "playing the horses" was legally relieved of all liabilities and permitted to start another firm.

The solution: Pass legislation patterned after a British law which makes it a crime to gamble oneself into bankruptcy. No nation with such a statute has any planned bankruptcies.

Meanwhile, other contributions can be made toward breaking the racket. Local law-enforcement officials can prosecute smaller cases in which federal bankruptcy violations cannot be proved. Creditors who are reluctant to "waste time testifying" can start to *report* scam rings. Says Stephen Chummers, former president of the National Conference of Referees in Bankruptcy: "If defrauded creditors would only report suspicious circumstances or evidence of deliberate bankruptcy to law-enforcement officials—and crooks knew they were doing this—many planned bankruptcies would be prevented."

Unless we take such initiative to stop scam, it may cause many innocent persons *un*planned bankruptcy.

EXECUTIVE SESSION

On request of Mr. HARTKE, and by unanimous consent, the Senate proceeded to consider executive business, to consider a nomination reported today by the Committee on Labor and Public Welfare.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. MCGOVERN in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORT OF A COMMITTEE

The following favorable reports of nominations were submitted:

By Mr. HILL, from the Committee on Labor and Public Welfare:

Barnaby C. Kenney, of Rhode Island, to be Chairman of the National Endowment for the Humanities.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will state the nomination on the Executive Calendar.

NATIONAL ENDOWMENT FOR THE HUMANITIES

The PRESIDING OFFICER. The nomination reported today by the Committee on Labor and Public Welfare will be stated.

The legislative clerk read the nomination of Barnaby C. Keeney, of Rhode Island, to be Chairman of the National Endowment for the Humanities for a term of 4 years vice Henry Allen Moe.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. HARTKE. Mr. President, I ask that the President be immediately notified of the confirmation of this nomination.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. HARTKE. I should like to add a personal word.

It is my pleasure to know the nominee, and I am delighted that the Senate has confirmed his nomination.

LEGISLATIVE SESSION

On request of Mr. HARTKE, and by unanimous consent, the Senate resumed the consideration of legislative business.

FINANCING OF PRESIDENTIAL CAMPAIGNS

INTRODUCTION

Mr. LONG of Louisiana. Mr. President, one of the most difficult problems facing our democracy, as well as other democratic countries of the world, is finding ways to make the democratic system work without permitting undue influence on the part of the few which results in favoritism and corruption at the expense of the many. Problems connected with the financing of political campaigns are fundamental to the success of a democracy, in achieving its stated purposes of equal justice to all and equality under the law. The problems involved in financing political campaigns have plagued the United States for more than 100 years. More recently, schemes for campaign financing have been developed to obtain the necessary funds to run for office. Some of these attempts have turned toward the tax system to obtain money. However, for the purposes of tax uniformity and to protect the Treasury, Congress has repeatedly legislated against these devices.

THE $100 TAX DEDUCTION SCHEME

Recently, the President of the United States has proposed that annual campaign contributions up to $100 be deductible for income tax purposes. It is my judgment that this measure would fail to achieve its objective of reducing undue influence and eliminating corruption in the Government.

The tax-deductible proposal tends to favor well-to-do citizens over their fellow Americans. For example, a man with income of $30,000 or more is likely to find it in his financial interest to contribute substantially to candidates whose voting records and whose campaign statements favor his interests over those of other Americans.

A person with income of $5,000 or less could not afford to make a substantial contribution, even if he were interested. Furthermore, the deduction would be worth so little to the low-income person that it would be hardly any incentive at all. Just how much incentive is there to the working man who pays tax at the first-bracket rate of 14 percent? For him, a dollar of political contribution would save only 14 cents in tax, compared to a 70-cent saving for a wealthy individual at the top tax bracket. How much stimulation would be found in a 14-cent deduction, against income sorely needed for personal and family expenses?

In addition, the problem of persuading low- and middle-income taxpayers that they should contribute to a political campaign requires a great deal of effort in overcoming their inertia, which is not the case with regard to high-income taxpayers, who even now find it to their advantage to contribute to one political party or another.

The Secretary of the Treasury has already conceded that most of the political money would still come from large contributors. Good government would suggest that campaigns should be financed with the least possible commitment to any vested interest or to any particular segment of the American economy. It would be best that one elected to represent the public should feel no greater obligation to a professional man than to a blue-collar worker, and that his obligation toward a person retired on a social security pension should be equal to that of a millionaire. Accordingly, I am proposing that we start by removing the most powerful office in the land from the influences that necessarily arise when a man seeks the Presidency of the United States.

LONG PLAN OF VOTE CONTRIBUTION

My plan would suggest that campaigns of the leading candidates for President be financed on the basis of one man, one vote, with such modifications as may be necessary to tailor this proposal to meet the practical realities of American public life, and to assure both major political parties that a disaster at the polls in one election would not deny that party financial support in the next presidential campaign. In addition to failing to prevent undue influence, the $100 deduction scheme has other shortcomings, which I shall discuss later.

The proposal recently introduced by me would take a different approach by providing that each candidate, subject to limitations spelled out below, would be entitled to be paid from the Treasury an amount not to exceed $1 for each vote received by that candidate in his campaign for the Presidency.

The first limitation would be that the amount which was to be paid must be reimbursement for campaign expenses actually incurred. The candidate would be required to present vouchers and statements as evidence of campaign expenses incurred.

The second limitation would be that generally the amount of reimbursement would not exceed $1 multiplied by 50 percent of the total votes cast in the election. The purpose of this limitation would be to keep the two major political parties more nearly on an equal basis.

The third limitation would be that no allowance would be made for the first 1,500,000 votes received by any candidate. This limitation is designed to prevent the plan from encouraging the out-cropping of splinter parties or the entry of candidates more interested in publicity rather than their prospects of election.

In order that the major political parties could proceed with their planning and could pay expenses as they were incurred, funds would be advanced to the candidates of any party that had received more than 1,500,000 votes in the previous election, to defray campaign expenses that were being incurred in the current campaign. The amount of advance funds available would be related to the number of votes received by the candidate who ran second in the prior election.

When a party runs a disappointing race, as did the Republican Party with Senator Goldwater in 1964, there would be no requirement for reimbursement to the Treasury of funds advanced, even though the same party runs a successful race 4 years later. The party candidate would receive the same advance of funds available to the opposing candidate, and the financial reimbursement would be available on the basis of number of votes cast. The purpose here would be to assure equal treatment in the advance funds. Although the principle of one man, one vote would run consistently throughout the underlying philosophy, to a large extent, this proposed plan would tend to keep the two major parties on a parity with each other.

Based on prior presidential elections the potential cost to finance my vote contribution plan would be between $50 and $75 million in the forthcoming presidential election year of 1968 depending, of course, on the total number of votes cast for all the presidential candidates. In contrast, the $100 deduction scheme would cost $50 million in a presidential year and $100 million over a 4-year period. Thus, over a 4-year period the cost of my plan to the National Government would range between $25 to $50 million dollars less than the $100 tax deduction proposal.

I ask unanimous consent to insert in the RECORD schedules showing how this proposal would have worked had it been applied to the last three presidential elections, and how it would apply as compared to the next presidential election, together with a copy of my plan (S. 3496) to be inserted at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection it so ordered.

(See exhibit 1.)

PROBLEMS COVERED

Mr. LONG of Louisiana. Sometimes the fate of the Nation depends upon the birth of a new political party. Our Republican friends would contend that that was the case in the late 1850's. The proposal I have suggested would make it possible for a third party to emerge and to obtain assistance without becoming the financial captive of any group once it had attracted sufficient support to be regarded as a serious factor in American political life.

There would be no attempt here to prevent outside assistance or other financial support to a candidate. Indeed, it is a citizen's constitutional prerogative to support a candidate of his choice, and his right to speak out in behalf of a candidate. For example, the first amendment to the Constitution precludes any effort to prevent daily newspapers or nationwide magazines from being as partisan as their publishers desire. There are so many things, in the sphere of constitutional guarantees, that individuals and organizations can do to promote the candidacy of the person of their choice, that it would be ridiculous for anyone to attempt to guarantee equal treatment of candidates in this area in the campaign arena. Similarly, it would be futile to attempt to prevent people from spending money in one way or another to promote the candidacy of one with whom they agreed.

The important feature that my plan would assure would be that no presi-

dential candidate of any major party, once nominated, would find himself in in the position of having to accept aid from any vested interest or any association of economic interests which forced him, as a candidate, to make commitments which did not entirely measure up to his own deep convictions. A candidate would be in a position, if he desired, to decline any and all financial contributions. He would still have adequate financing available with which to present his case to the American people.

The plan I propose would also tend to solve the equal time problem that has confronted television stations when they sought to offer candidates an equal opportunity to be heard, only to find themselves confronted with the necessity of bringing a roomful of nuts, crackpots, and screwballs into a studio to share the camera equally with the two or three major candidates who had a chance of being elected. The candidates of both major parties would be well able to pay for their television time, and they could join in debates with whomever they wished, in whatever fashion they could agree upon.

PROBLEMS UNRESOLVED

There are a great number of problems that my proposal does not attempt to solve. It does not solve the perplexing problems of nominating a candidate for President. Suffice it to say that at the next election, at least one candidate, the incumbent President of the United States, will be assured of nomination, as is traditional with practically all Presidents seeking a second term. Therefore, at least one candidate need not make any financial commitment that he does not care to make in order to obtain the nomination. To that extent, the Republican Party may find it necessary to trim its sails and to make campaign commitments to compete with a candidate who is free to make or not to make commitments in order to obtain the nomination.

Further, my proposal does not do anything directly about financing the campaigns of Senators and Representatives. Considerable doubt exists that this should be done. The cost of campaigning for the House of Representatives, while substantial, is not nearly as great as that of campaigning for the Senate of the United States. Even in the latter case, incumbents have been able to raise enough money to make their side heard. Seldom has it been contended that an incumbent Member of Congress has been defeated because he could not place his side of the argument before the people.

However, if those who traditionally contribute to presidential campaigns are no longer expected to do so, this would release a substantial amount of money for congressional campaigns which is presently spent on a presidential campaign. As one who has had some experience with the problems of financing a campaign of candidates in his own party, I point out that the dinners which we have been holding around the country for the President's Club to pay off deficits incurred in the last presidential election, tend to dry up sources that would otherwise be available to candidates of the Democratic Party for Congress.

The Republican Party has undoubtedly experienced similar problems. It is not suggested that any campaign financing program should be available for the coming congressional election. However, in the subsequent election, which will be a presidential year, my proposal would assure that the two major party candidates would be amply financed to discuss the issues on which the parties differ. To a certain extent, this would reduce the cost of campaigning to congressional candidates. They can associate themselves with their parties' presidential candidates on issues where they agree or point out where they disagree.

My proposal would not furnish finances for a State or local election nor is there any reason that it should. If a State cares to pattern the financing of its Governor's race after the proposal I have made, it may certainly do so, but this should be a decision resting with the State government and freely made without pressure or coercion from Washington. Obviously, my plan could not eliminate all improper influence on the Federal Government but it will achieve a lot more along this line than any other proposal that I have heard.

FURTHER DISADVANTAGES OF THE $100 DEDUCTION SCHEME

If the $100 deductible proposal should become law, it will become customary for associations to pass the hat among their members for $100 each—doctors will be asked to contribute $100 each year to support persons who share their views on medicare or H.R. 10—labor leaders will be asked to contribute $100 every year to oppose those who voted in favor of 14(b) and support those who voted to repeal it—and bankers, as well as officers and directors of banks, will be asked to contribute $100 each year to support those whose votes tend to sustain a policy that leads to high interest rates.

Further, the $100 deductible scheme will be affording tax advantages to people who already contribute to campaigns on a regular basis because they find it the most rewarding return for their money. Thus, the $100 deductible is attractive to those who have a strong pocketbook interest in the outcome of an election. It certainly has no appeal to the relatively disinterested voter who feels little involvement one way or the other.

If I might make a lawyer's comparison, if we were choosing a jury, the kind of people who would put up the $100 in a campaign would be disqualified as jurists to decide an issue because of their own personal prejudice and involvement—the kind of people who would not put up the $100 would be those fair-minded, impartial jurors who were willing to hear the facts and come forth with an honest, impartial verdict. To which group should a financing program be directed?

The rules of the Senate have historically contained a provision that a Senator should not vote on a matter in which he had an interest. The complexity of modern government makes this matter rather obsolete but it remains a moral obligation upon a Senator to reveal his interest and to ask to be excused if his interest in the matter is so compelling that it would influence his vote contrary to the logic that might persuade him otherwise.

As a general statement, it could be said that present-day campaign financing tends to come from those who have an ax to grind. It would be best that it should come from those who were not seeking special advantage or special favor. That is the direction in which my proposal would work.

Basically, the proposals to allow a deduction for political contributions all have one thing in common. They would all allow the deduction for political contributions in addition to the standard deduction. Without such a feature, it is argued, the deduction would be of little benefit to the millions of taxpayers who elect to take the standard deduction in lieu of itemizing their deductions. Unless they can get a tax benefit for their contributions, the argument continues, they will not be encouraged to take part in financing political activities. But, Madam President, if they get the political contribution deduction in addition to the standard deduction, we will be treating political activities more generously than we treat charitable activities. We would be putting politicians in a more favorable category than the Almighty. I believe it is a defect in any proposal to give politicians tax preference above charities and churches.

Another difficulty with a tax-oriented program is that no review by congressional authority would be available to determine how it was working without a request for the millions of tax returns filed by voter-taxpayers. But, knowledge of a person's political contributions under a tax-oriented system is available to the tax collector.

This knowledge could do a great deal of damage and impair the taxpayer's confidence in the impartiality of the Revenue Service in its collection of taxes, particularly if his return is being questioned and he is a substantial contributor to the party out of power. The tax deduction bills call for a disclosure which many taxpayers may not wish to make—in effect the person for whom he voted in an election. This demand could very well undermine the orderly collection of revenue.

FURTHER ADVANTAGES OF VOTE CONTRIBUTION

Mr. President, I do not suggest that my particular plan is the complete answer to all the problems posed in the election of a President. However, the President is acclaimed the "people's choice" and a candidate for the Presidency should be allowed to work out his campaign financing in such a way that when elected, he could bear that acclamation without reservation.

A major candidate for that office should not have to trudge, hat in hand, from one powerful, private corporation or individual to another, seeking the necessary funds to carry on his campaign. If these sources wish to contribute to his campaign—all well and good—but the presidential candidate should be successfully insulated so that he may make his commitments to the people on his party's platform free from pressure

by the powerful private interests who today can, and do, threaten withdrawal of their financial support unless pre-election commitments are made.

It is a frequent statement in a capitalistic society that people usually get what they pay for. While this is not always the case in public affairs, those who contribute large amounts of money and those who accept such contributions are not ignorant of this fundamental aspect of American capitalism. For the relatively small cost involved in my plan, the potential savings by reducing undue influence in government and the improvement in government services to the average citizen, should be enormous in comparison.

What better method is available to encourage the voting citizens of the United States to participate in a general election? We are constantly presented with editorials, articles, and speeches raising the problem that the American citizen is apathetic—that he is not interested in selecting the man to fill the most important position in the U.S. Government as their President. My plan would certainly act as an inducement to the voter since his vote would not only select his candidate but would help his candidate to pay for the expense of running for office. A low-income voter would contribute to a presidential campaign without having to take one single penny out of his pocket.

The general revenue financing would also provide a great incentive to the political parties themselves. First of all, it would insure additional funds to the parties without the addition of new contributors. On the other hand, the tax credit or deduction would require constant solicitation of new contributors which might have adverse results. With a monetary return guaranteed for each new vote, political parties would be motivated to get out the voters. This incentive is lacking in the tax-oriented program.

CONCLUSION

In conclusion, Mr. President, it is my sincere belief that my program, if accepted will assure that our Government can truly be a government of, by and for the people of the United States—responsive to all their needs and interests.

EXHIBIT I

SCHEDULES REFLECTING AMOUNTS OF FEDERAL FINANCING WHICH WOULD HAVE BEEN AVAILABLE TO MAJOR POLITICAL CANDIDATES DURING THE PRESIDENTIAL CAMPAIGNS OF 1956, 1960, AND 1964, AND WHICH WOULD BE AVAILABLE FOR THE PRESIDENTIAL CAMPAIGN OF 1968 UNDER THE PROVISIONS OF S. 3496

Under the Long plan of vote contribution (S. 3496), pre-election, periodic advances would be provided commencing September 1 in an election year. The total amount of these advances would be limited to 80 percent of the sum resulting from either: (a) $1 for each vote cast for the party's candidate in the last election, less $1,500,000; or (b) $1 for each vote cast for the candidate whose party received the next highest number of votes in the last election, less $1,500,000, whichever of the two sums is smaller.

A post-election payment would also be provided, calculated on the basis of the popular vote cast in the current election and limited to the sum resulting from: (a) $1 for each vote cast for the party's candidate, less $1,500,000; or (b) $1 for one-half of the total votes cast in the election, less $1,500,000, whichever of the two sums is smaller, minus pre-advanced funds already received.

There follows schedules reflecting the amount of campaign funds for the designated Presidential elections computed on the basis of the foregoing provisions of the Long Plan.

Presidential campaign, 1956

	Stevenson (Democrats)	Eisenhower (Republicans)
1. Advance funds:		
(a) Sept. 1	$5,162,998.40	$5,162,998.40
(b) Sept. 15	5,162,998.40	5,162,998.40
(c) Oct. 1	5,162,998.40	5,162,998.40
(d) Oct. 15	5,162,998.40	5,162,998.40
Total	20,651,993.60	20,651,933.60
2. Postelection payment: Dec. 1	3,870,758.40	8,861,450.40
3. Total Federal financing for party candidates	24,522,752.00	29,513,444.00
4. Total Federal financing	54,036,196.00	

Presidential campaign, 1960

	Kennedy (Democrat)	Nixon (Republican)
1. Advance funds:		
(a) Sept. 1	$4,904,450.40	$4,904,450.40
(b) Sept. 15	4,904,450.40	4,904,450.40
(c) Oct. 1	4,904,450.40	4,904,450.40
(d) Oct. 15	4,904,450.40	4,904,450.40
Total	19,617,801.60	19,617,801.60
2. Postelection payment: Dec. 1	13,108,929.40	12,990,356.40
3. Total Federal financing for party candidates	32,726,731.00	32,608,158.00
4. Total Federal financing	65,334,889.00	

Presidential campaign, 1964

	Johnson (Democrats)	Goldwater (Republicans)
1. Advance funds:		
(a) Sept. 1	$6,521,631.40	$6,521,631.40
(b) Sept. 15	6,521,631.40	6,521,631.40
(c) Oct. 1	6,521,631.40	6,521,631.40
(d) Oct. 15	6,521,631.40	6,521,631.40
Total	26,086,525.60	26,086,525.60
2. Post election payment: Dec. 1	7,735,729.40	(1)
3. Total Federal financing for party candidates	33,822,255.00	26,086,525.60
4. Total Federal financing	59,908,780.60	

[1] No postelection payment due.

Presidential campaign, 1968

	Democrat	Republican
1. Advance funds:		
(a) Sept. 1	$5,135,637.60	$5,135,637.60
(b) Sept. 15	5,135,637.60	5,135,637.60
(c) Oct. 1	5,135,637.60	5,135,637.60
(d) Oct. 15	5,135,637.60	5,135,637.60
Total	20,542,550.40	20,542,550.40
2. Postelection payment: Dec. 1	(1)	(1)
3. Total Federal financing for party candidates	(1)	(1)
4. Total Federal financing	(1)	

[1] Dependent upon total popular vote cast in 1968 presidential election.

S. 3496

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Presidential Campaign Fund Act of 1966".

DEFINITIONS

SEC. 2. When used in this Act—

(a) The term "political party" means any political party which presents a candidate for election as the President of the United States.

(b) The term "presidential campaign" means the political campaign held every fourth year for the election of presidential and vice-presidential electors.

(c) The term "presidential election" means the election of presidential electors.

(d) The term "administrator" means the Comptroller General of the United States.

ADVANCED PAYMENTS FROM UNITED STATES TREASURY

SEC. 3. (a) On September 1, September 15, October 1, and October 15 of the presidential campaign year, the Secretary of the Treasury shall pay into the treasury of any political party which has complied with the provisions of section 5 an amount (subject to the limitation in section 5(b)) equal to 20 per centum of the amount computed under subsection (b).

(b) The amount referred to in subsection (a) for any political party shall be computed as follows:

(1) multiply $1 times the popular vote cast in the preceding presidential election for the candidate of such party for the Presidency;

(2) multiply $1 times the popular vote cast in the preceding presidential election for the candidate who received the next to the highest number of votes;

(3) take the figure in paragraph (1) or (2), whichever is the lower, and subtract $1,500,000. The resulting figure is the amount to which the 20 per centum will be applied for purposes of subsection (a).

POST ELECTION PAYMENT FROM UNITED STATES TREASURY

SEC. 4. On December 1 of the presidential election year, the Secretary of the Treasury shall pay into the treasury of any political party which has complied with the provisions of section 5 an amount (subject to the limitation in section 5(b)) computed as follows:

(1) multiply $1 times the popular vote cast for its presidential candidate in the presidential election;

(2) multiply $1 times one-half of the total popular vote cast for all presidential candidates in the presidential election;

(3) take the figure reached in paragraph (1) or (2), whichever is the lower, and subtract the sum of $1,500,000 plus amounts previously received as advance payments from the Secretary of the Treasury under section 3.

CERTIFICATIONS BY TREASURER OF POLITICAL PARTY

SEC. 5. (a) No payment shall be made under this Act into the treasury of a political party unless the treasurer of the party has certified the total amount spent or incurred (prior to the date of the certification) in carrying on the presidential campaign, and has furnished such information as may be requested by the administrator.

(b) No amount shall be paid under section 3 or 4 to the treasury of a political party in an amount which, when added to previous payments made out of the Treasury to such political party, exceed the amount spent or incurred by the party in carrying on the presidential campaign.

(c) The administrator shall certify to the Secretary of the Treasury the amounts payable to any party under sections 3 and 4 of this Act. The administrator's determination

as to the popular vote received by any candidate shall be final and not subject to review.

CREATION OF ADVISORY BOARD

SEC. 6. There is hereby created an advisory board to be known as the Presidential Campaign Fund Board to counsel and assist the administrator in the performance of the duties imposed upon him under this Act. The Board shall be composed of two members designated by each political party whose candidate for the presidency received a popular vote of more than ten million at the last presidential election, and three additional members selected by the political party representatives upon the concurrence of the majority thereof. The term of the first members of the Board shall expire on the sixtieth day after the date of the first presidential election following the date of the enactment of this Act and the term of subsequent members of the Board shall begin on the sixty-first day after the date of a presidential election and expire on the sixtieth day following the date of the subsequent presidential election. The Board shall select a Chairman from among its members. Members of the Board, while attending meetings or conferences of the Board shall be entitled to receive compensation at the rate of $75 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 73b-2 of title 5 of the United States Code, for persons in the Government service employed intermittently.

APPROPRIATIONS AUTHORIZED

SEC. 7. There are hereby authorized to be appropriated such sums as may be necessary and appropriate for the carrying out of the provisions and purposes of this Act.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 13417. An act to amend the act of October 4, 1961, to facilitate the efficient preservation and protection of certain lands in Prince Georges and Charles Counties, Md., and for other purposes; and

H.R. 14312. An act to increase the authorization for appropriation for continuing work in the Missouri River Basin by the Secretary of the Interior.

OUR POLICY OF ESCALATION

Mr. HARTKE. Mr. President, yesterday's news from Saigon confirmed what had been rumored for several days. We have now moved into a new phase of the escalation which continues ever upward, as for the first time we have loosed our bombs in the very outskirts of Hanoi. The decision has been taken to bomb oil and supply depots so close to the centers of population that civilian casualties in the north are bound to result. This is the policy which the hawks have advocated, including Barry Goldwater during the campaign of 2 years ago:

What will be the results?

I have asked this question before. In an address on April 19 at Ball State University in Muncie, Ind., I asked what would be the response to just such an action. I said:

Do we know what the response will be? We are told that Hanoi has available, not yet committed to any action, Russian MIG's of the latest design, capable of outflying our Skyhawks. At what point will the decision be made to put them into battle? As time goes on will the Chinese send not only noncombatant work crews to aid Hanoi, not only technicians but actual combat troops? If this happens, what will be our response? It is our announced endeavor, each time we step up the pace, to make the results too costly, to halt the response from the other side. But the history of the case, and not in Vietnam only, is that escalation breeds escalation.

Are we truly looking for peace? Or are we obsessed with the need to keep pushing ever further and further the military escalation whose results are a stiffening of morale and a constant deterioration of the purported search for peace?

Listen to the words of a great leader, Winston Churchill, who was certainly no "nervous Nellie," concerning the use of military force properly and when needed. In the first volume of his six-volume classic on World War II, "The Gathering Storm," Churchill had this to say:

Those who are prone by temperament and character to seek sharp and clear-cut solutions of difficult and obscure problems, who are ready to fight whenever some challenge comes from a foreign power, have not always been right. On the other hand, those whose inclination is to bow their heads, to seek patiently and faithfully for peaceful compromise, are not always wrong. On the contrary, in the majority of instances, they might be right not only morally but from a practical standpoint . . .

How many wars have been precipitated by firebrands! How many misunderstandings which led to war could have been removed by temporizing!

I am fearful that there are among the President's advisers, at least, are those who, in Churchill's words, "are prone by temperament and character" to plunge impatiently for the way of the firebrand rather than exercise the patience needed for the peaceful compromise.

Last week I distributed to each Member of the Senate a copy of a citizens' white paper entitled "The Politics of Escalation." This publication was initiated by a personal investment of $100 each by 10 professors of Washington University in St. Louis, who were joined in its preparation by a group of professors from other schools, particularly the University of California at Berkeley. They have not sought to adduce new facts, but they have made an examination of what has occurred in the twin realms of military escalation and diplomatic peace efforts during the period November 1963, through January 1966.

In the tradition of scholarship, they have footnoted and documented their work thoroughly. Likewise, they have sought objectivity in their report, refraining in the recounting from expressions of conclusions or opinions which could not be substantiated. I must confess that their material tends to become bogged down in the recital of facts, statements and dates to the point where it is not always easy to follow.

But this historical study of facts and events, including some peace proposals which did not come to light until weeks or months later, brings to attention an apparent pattern of action which I fear is once more being repeated. The authors have not charged, nor do I, that our increases in military pressure, in escalation, have time after time been the response to new pressures for that "peaceful compromise" of which Churchill spoke. But the fact is inescapable that, in the juxtaposition of events on the peace front and on the military front, time and time again just as there appeared some possibility of movement toward a negotiated reduction of the conflict, our military escalation has been tightened another notch. In the careful words of the professor-authors in their summary and conclusions, in citizens' white paper entitled "The Politics of Escalation," it is stated:

Available evidence does not prove that escalations were intended solely or primarily to counter efforts at compromise or negotiation. A study of the chronology of American escalations within the political context reveals, however, that the major American intensifications of the war have been preceded less by substantially increased military opposition than by periods of mounting pressure for a political settlement of the war.

It is not possible to find the road to peace by escalating war. But because that has been our policy, enunciated by the President in his Baltimore speech of April 7, 1965, and because other nations of the world do not agree with that policy, our supposed search for a way out of the dilemma has been met with increasing skepticism by those traditionally our friends. In the Baltimore speech, President Johnson said of our objectives:

We know that air attacks alone will not accomplish all of these purposes. But it is our best and prayerful judgment that they are a necessary part of the surest road to peace.

Our military policy of nullifying aggression has consistently taken precedence over a diplomatic policy of exploring with earnest diligence the avenues which could lead to the same end, and which must in the long run do so.

Let me cite some specific case histories which find their parallel in the bombing now 2 or 3 miles from the heart of Hanoi and Haipong. The first took place in July and August 1964, when peace pressures were followed by the events of Tonkin Bay and a climactic air strike against three coastal bases. The second was the opening of U.S. bomb attacks in the north on February 7, 1965, during the visit to Hanoi of Premier Kosygin. The third escalation, following a peace effort by interested third parties, was the bombing of a major power station a dozen miles from Haiphong, closer than any bombing until yesterday's.

I

On July 23, 1964, President de Gaulle called for a meeting "of the same order and including, in principle, the same

participants as the former Geneva Conference." The foregoing is a quotation from his statement.

On July 25 the Soviet Government addressed a communication to the 14 nations that had participated in the Geneva Conference on Laos in 1961–62, urgently suggesting reconvening of the Conference. Here was the voice of Russia added to the voice of France.

On July 26, according to the French publication Le Monde, Nguyen Huu Tho, leader of the National Liberation Front, stated the willingness of the Vietcong political arm "to enter into negotiations with all parties, groups, sects, and patriotic individuals. The NLF is not opposed to the convening of an international conference in order to facilitate the search for a solution."

Hanoi endorsed the proposal and appealed for reconvening "as rapidly as possible to preserve the independence, peace, and neutrality of Laos and to preserve the peace of Indochina and southeast Asia." Here was added, on August 4, the voice of North Vietnam.

By then Peking had also given its endorsement to the proposal, speaking with the voice of one more vitally interested nation.

Within the same period, Secretary General U Thant put forward the same suggestion for reconvening of the Geneva Conference. U Thant referred to his frequent reiteration of that view stated on May 24, 1966, when, in a speech to the convention of the Amalgamated Clothing Workers, he said:

> I have said that peace can only be restored by a return to the Geneva Agreements and that, as a preparatory measure, it would be necessary to start scaling down military operations, and to agree to discussions which include the actual combatants. * * * The solution lies in the hands of those who have the power, and the responsibility, to decide. If they seek a peaceful solution, the United Nations and many of its Members stand ready to help them in all possible ways.

What was the U.S. response to all this growing pressure for a Geneva-type conference, to the proposal for such a conference by President de Gaulle, by Russia, and by U Thant, with the support of Hanoi and Peking?

On July 24, the day after De Gaulle's statement, President Johnson said in his press conference:

> We do not believe in conferences called to ratify terror, so our policy is unchanged.

On the following day, July 25, an order was issued dispatching an additional 5,000 to 6,000 U.S. troops to Vietnam. Our unchanged policy was that of escalation, not negotiation, it would seem.

At about the same time, the United States was being accused of aggression in several incidents in the Tonkin Bay area. Hanoi protested to the International Control Commission on the 27th of July that Americans and their "lackeys" had fired on North Vietnamese fishing vessels. On July 30, they claimed that South Vietnamese patrol boats had not only raided North Vietnamese fishing vessels in the Tonkin Gulf but had also bombarded the islands of Hon Me and Hon Ngu under protective cover from the U.S. destroyer *Maddox*, and again lodged a complaint with the Control Commission. On August 2 came the first of two incidents that resulted in the famous Tonkin Bay resolution, which many of us now regret.

According to the North Vietnamese, the *Maddox* entered their territorial waters which, like many nations, they contend extend to a 12-mile limit. Three North Vietnamese torpedo boats engaged the *Maddox*, which was undamaged, and U.S. planes sank one of the torpedo boats, damaging the other two. According to the official U.S. version, this was an unprovoked attack because we hold to a 3-mile limit on territorial waters.

I am not charging that the sequence of events proves a causative relationship between the pressures for peace and the actions of the United States which followed. I am merely stating the facts as reported. But among those facts are the dispatch of more troops ordered on July 25, and elevation to great importance of the Tonkin Bay incidents. The climax here was caused by further action on August 4, when the *Maddox* and the *Turner Joy*, another destroyer, were reported to have been attacked by North Vietnamese PT boats, two of which were sunk. The next day came retaliation—heavy U.S. air attacks on three major North Vietnam coastal bases, which were demolished along with destruction or damage to 25 boats. President Johnson issued a directive. Where standing orders to U.S. warships had been to "repel" enemy attackers, they were now ordered to "destroy" them.

This instance of peace pressures as a prelude to hard military action came at a time when Premier Khanh was tottering, and one result of the dramatic show of power, a use of power out of proportion to the size of the provocation, was to shore up his regime and lessen the chance of peace talks.

II

Everyone now acknowledges that a vital decision in the war was taken when the United States, on February 7, 1965, began the bombing of North Vietnam which has taken another turn of intensification in the last 24 hours. What were the circumstances and the facts?

Premier Kosygin was in Hanoi at the time. The New York Times on February 2 reported that there was "developing speculation in the administration that Mr. Kosygin's trip might be the opening move in a broad Soviet attempt to mediate between the United States and the Hanoi regime for a settlement of the Vietnamese war."

In the previous month of January, there had been a great deal of internal unrest in Vietnam, an outbreak of proneutralist and anti-government, and anti-American demonstrations. On January 7, a general strike was called in Hue, and by the 13th it had spread to Danang, where Vietnamese civilians failed to report for work at the U.S. air base. Editorials appeared in Saigon papers demanding negotiations and deploring continuation of the war. Police on January 17 fired on demonstrators in Hue and Dalat, wounding four students. Shortly after, 30 were wounded in a demonstration by 5,000 Buddhists in Saigon. The U.S. Information Service library was sacked at Hue. And on January 27, the civilian regime was overthrown by Nguyen Khanh.

So, before the first North Vietnam bombing raid of February 7, there was a climate ripe for the kind of peace effort speculation accorded to Kosygin. On February 16, Russia did propose to North Vietnam and China the convening of a new international conference based on "unconditional negotiations" which would have met President Johnson's call for "unconditional discussions." A week later De Gaulle publicly called for negotiations without preconditions, and a day afterward, U Thant again made a similar appeal. At the time he said, significantly, since the Russian overtures to Hanoi and Peking were not made public until months later:

> The great American people, if only they know the true fact and the background to the developments in South Vietnam, will agree with me that further bloodshed is unnecessary.

We were told that the bombing of the north on February 7 was our retaliatory response to the guerrilla raid on Pleiku in which eight Americans were killed. But in view of the climate toward peace, the unrest in South Vietnam, is it possible that the decision had been taken and the bombing planned and that only a sufficient cause for public consumption was needed?

Again, I do not make the charge that the United States was eagerly awaiting an opportunity for escalation in order to stall off the possibilities of negotiation leading to retirement or de-escalation. But the Pleiku attack occurred early in the morning of Sunday, February 7, Vietnam time, which was Saturday afternoon in Washington. And the American plane strike started within 12 hours afterward. Had the attack been planned in advance, and was Pleiku a suddenly suitable pretext?

Two days earlier, on February 5, the New York Times had called the turn:

> Now again the Asian Communists, this time in South Vietnam, seem ready to bid for power through a negotiated settlement. The Soviet Union, apparently fearful that a continuation of the war in South Vietnam may lead to United States bombing of North Vietnam, is reappearing in the role of a diplomatic agent.

While the Russians were fearful of our bombing escalation to the North, were we afraid of their peacemaking de-escalation and seeking to forestall it?

III

Let me relate now a third instance in which there occurred a juxtaposition of peace efforts and escalation.

As Senator MANSFIELD's report early this year made clear, the 34,000 American troops of May 1965, had increased to 165,700 in November. There had been a stepped-up response by the Vietcong, with increasing numbers of North Vietnamese regulars coming into the battle area. Incidents initiated by the Vietcong had also escalated, as the Mansfield report shows on page 3:

> The Vietcong initiated 1,038 incidents during the last week in November and the

total number of incidents which had increased steadily throughout 1965, reached 3,588 in that month.

Our escalation of the war, obviously, was being met by escalation. The north was supplying more and more support, although according to the Mansfield report North Vietnam still accounted for only about 14,000 out of the total 230,000 on that side.

On December 17, it was revealed by the St. Louis Post Dispatch that Washington had received a month earlier, on November 20, a message delivered to Ambassador Goldberg by Italian Foreign Minister Fanfani. It reported the interview of Prof. La Pira with Ho Chi Minh and Pham Van Dong, who expressed a strong desire for a peaceful solution—specifically, a cease-fire, a halt to the landing of American troops, and acceptance of Hanoi's four points, which Ho Chi Minh characterized as "application, in other words, of the Geneva accords."

Prof. La Pira's discussions were on November 11. Our reply by Secretary Rusk to Foreign Minister Fanfani's November 20 letter was delivered to him in New York on December 6, and on December 13 Mr. Fanfani notified Secretary Rusk that his own summary of the reply had been delivered to Hanoi. This was an escalation of peace efforts.

On December 15, American planes for the first time bombed the Haiphong area, destroying a power station 14 miles from the city. Of this, the San Francisco Chronicle on December 20 noted:

> Some U.N. delegates . . . pointed out that the war had been escalated after the States reply was related to Hanoi.

A few days later, the St. Louis Post-Dispatch stated that on December 8, Ambassador Goldberg had been explicitly warned "that Ho would not enter peace negotiations with the U.S. if the Hanoi-Haiphong area were bombed."

Now, again, I am not charging that we deliberately sabotaged another peace effort. But facts are facts, and it is my firm belief that it is essential for the American people to have the facts.

Let me note here, parenthetically, that later on, I will introduce a statement made by Mr. Arthur Sylvester that if the American people think they are going to get the true facts, they are stupid.

I will have more to say about that later. But, facts are facts, and it is essential for the American people to have the facts.

Too often we have learned, as in this case in mid-December, that events of great significance in the area of peace possibilities, occurred a month earlier.

IV

But what, it might be asked, about the bombing lull of 37 days early this year, from December 24 to January 31, 1966?

Was this not a true effort for peace, they will say?

During the same time there was a 12-hour cease-fire from 7 p.m. Christmas Eve until 7 a.m. Christmas Day, and later the New Year—"Tet"—cease-fire of January 20 to January 24. Otherwise the ground war continued. One cannot but ask why, if these cease-fires could be arranged for such short special occasions, a cease-fire for negotiation of peace could not also be developed, if escalation of peace were as much our concern as escalation of military action.

The lull in the bombing raids was accompanied by well-publicized travelings about the world by our emissaries on announced peace missions—which in the case of the Philippines and Korea included urgent invitations to step up the size of their troop contingents. But aside from the short cease-fires, as I have said, ground action did not halt.

We cited the buildup of forces on the other side as a major ground for the decision to resume bombing. At the same time, we continued with a more rapid buildup of our own forces. And on January 27 we launched Operation Masher.

This, said the New York Times, was "the largest amphibious operation by the United States since the 1950 Inchon landing in Korea."

The plan—

Said the Times—

> is to move three infantry and three artillery battalions repeatedly across a 450 square-mile section of Bindinh Province to look for a battle.

"To look for a battle," is the phrase used by the paper.

On January 28, they found it. Near Anthai, on a sandy beach, 300 U.S. 1st Cavalrymen reported meeting 500 or so of the enemy and killing 103 in a 2-day battle. The next day the order went to Pearl Harbor which led to resumed bombing raids on January 31.

As the bombing was resumed, it was stated that we had not seen signs of response from Hanoi to our policy of lull. Yet, until our Operation Masher, there had been a remarkable absence of clashes with North Vietnamese regulars.

Were we sincere in our charges against Hanoi for its troop buildup during the pause? Secretary Rusk said on February 1, the day after bombing resumed, that the Vietcong and North Vietnam "made clear their negative view by deeds as well as words throughout the period of the suspension of bombing. Infiltration of men and material from the North into South Vietnam continued at a high level"—New York Times, February 1, 1966, page 12.

In the same report of his press conference, the question was asked:

> Mr. Secretary, how do you interpret the fact that there's been no large-scale direct contact with North Vietnamese troops since the latter part of November?

In his reply the Secretary spoke of "indications at the present time that there is very active contact with North Vietnamese forces there." This very active contact was the result of the Operation Masher action "to look for battle." The "high level" of infiltration was estimated at from 1,700 to 4,500 men a month. But during the 37 days of the bombing pause our own increase of men entering the area was a buildup of more than 14,000, with 6,000 men arriving during the 10-day period of January 18–28.

Were our apparently frantic and highly publicized peace missions by any chance giving to the world a picture such as Mr. Rusk painted of the North Vietnamese? Did we, by any chance, at least as much as the North Vietnamese, present a "negative view by deeds as well as words throughout the period of the suspension of bombing"? Could it have been said of us that we acted in the same good faith we charged Hanoi with breaking when our own "infiltration of men and material continued at a high level"? Were we then already irrevocably committed, and had we been a long time so committed, to complete reliance on military power and to ignoring the bright potentials for peace whenever they appeared?

As one of a group of Senators who sought by a letter to the President for a decision to extend the bombing pause, I believed that we needed to present a positive, not a negative, view "by deeds as well as words." The answer to our letter was a citation of the Tonkin Bay resolution, which at the time of its passage certainly did not envision any use as justification in these circumstances of what the Senate believed was a specific narrow endorsement. We were not alone, and while we may still be a minority of those who speak aloud, although there has been a rising chorus of those who cry for the firebrand policy of more and more escalation—a cry rooted in the same desire I hold to end the conflict—there has also been a rising demand for cessation of this policy in favor of a negotiated peace.

That demand, by those of us who in Churchill's words desire to "seek patiently and faithfully for peaceful compromise," was being voiced at the time by other nations than our own. Said the New York Times on January 20:

> The Governments of Britain, France, and Japan, all allies of the United States, and the Communist Governments of Europe as well as the governments of a number of nonaligned nations are said to be pleading for several weeks or even months of restraint.

But again the opportunity passed. We chose the road of escalation.

V

Now we have chosen the road of escalation again, as our 46 planes swung in over the close-in targets at Hanoi and Haiphong. Is there any parallel of juxtaposition now with a preceding peacemaking effort carrying the danger of success? Or is it merely coincidence that once again, as late as Sunday, there have been articles analyzing the possibilities of success inherent in the efforts of Canadian diplomat Chester Ronning?

Regardless of what the answer may be, it is worth noting that a dispatch by David Kraslow, of the Los Angeles Times, datelined from Ottawa on last Saturday, June 25, and appearing in the Washington Post on Sunday, stated as a point "readily acknowledged by high Washington sources" that—

> Canada has opened up, through Ronning, a unique and useful channel to Hanoi.
>
> The Johnson Administration has not lost sight of the fact that the Hanoi regime readily receives Ronning and is willing to

talk to him, even though he represents a nation closely allied with the United States. We recognize the potential importance of this—

A Washington official said.

Then later in the article comes this statement, which perhaps deserves to be italicized as importantly prophetic:

The question of further American escalation of the war, it is felt here, is closely related to the Ronning missions. The Canadians are extremely sensitive on this point. Major military escalation by the United States, informed sources here suggest, could torpedo the Ronning operation and deeply embarrass the Canadian government.

It is believed that Ottawa has discussed the matter of escalation with Washington in connection with the Ronning probes.

Again I ask, is it only coincidence that such a report appears on Sunday and our new escalation takes place on Wednesday? Or is there here a recurrence of a familiar pattern, a pattern in which professions of peace interest are only words while the deeds which follow are a hard application of military force through increased escalation?

One can not be sure—

Wrote Mr. Kraslow, concerning what the prospects of Mr. Ronning's efforts might be—

a speck of hope, a possible opening. We cannot tell—

He said—

because Ronning's findings are being closely held. The Canadian and North Vietnam governments agreed there would be no public disclosure of the details of Ronning's conversations with the leaders in Hanoi.

But the ground for hope lay in the fact that:

Few Westerners have the access that Ronning has to senior officials in North Viet Nam. From his long service in China and in other parts of Asia, Ronning is personally well acquainted with many leaders in Peking and Hanoi. . . .

Ronning is considered one of the ablest Asian hands in the Western world. Now 71, he was summoned from retirement in western Canada for the Viet Nam assignment. . . .

Ronning had important roles in both the 1954 Geneva Conference on Viet Nam and the 1962 Geneva Conference on Laos. He was in charge of the Canadian mission in Red China from 1949 to 1951.

The recent trip was Mr. Ronning's second to Hanoi—the first was in March—in a Canadian effort which has special significance when it is recalled that Canada is one of the three members of the International Control Commission established by the 1954 Geneva Conference. The Canadian operation is described as "a long-range, infinitely complex and delicate diplomatic probe that involves a number of governments besides the warring parties."

What chance will Chester Ronning have to complete this delicate mission, now that our military escalation has loosed a torpedo against it? Have we by design, by purpose, by commitment to expanding military action ever further and more dangerously, closed another door looking on the garden of peace? When, if ever, will we know?

Yesterday the wires and the cables were humming with the adverse reactions, as well as others favorable, from at home and abroad. Or perhaps that statement is not quite correct—there seem to have been no really favorable cables from abroad. Even Prime Minister Wilson, whose policies with the United States are tempered by the fact that he is a supplicant for support from us for bolstering of the pound sterling, was not deterred from expressing regret and stating:

Nevertheless, we have made it clear on many occasions that we cannot support an extension of the bombing in such areas.

Russia's reaction bears out the wisdom of the judgment of our majority leader, Senator MANSFIELD, when he said:

The action will bring about greater amounts of aid from the Soviet Union and Peking.

Moscow said as much when they said:

Our country and the other Socialist states are providing, and will continue to provide, the necessary aid in the just struggle of the Viet Namese people.

I have noted before the erosion of our friendship with other nations caused by our actions in Vietnam. By our go-it-alone policy, disregarding the overtures of those who would initiate helpful moves toward peace, by our disregard for world opinion, we have increasingly cut ourselves off from a leadership traditionally based on moral qualities of compassion and generosity and true democracy rather than military might. Now we are engaged in an undeclared war against half of a small nation all of whose people, after 20 years of constant struggle, want to find a way out of their morass of civil conflict.

We played a leading role in founding the United Nations. We gave it a home in Manhattan. We developed the Marshall plan. We supported UNRRA and UNICEF, and with a just cause in Korea we secured its moral and military support. But now we defy the principles of the U.N. Charter, and we move out of step, as a cartoon in the Washington Post on Sunday devastatingly portrayed while charging that our lack of allies comes about because they are all out of step with us.

We have sought with billions in our military pocketbook, billions which we in the Senate have helped too eagerly to provide, and with the big stick of unchallengable power, to make clear in Vietnam that "father knows best." We are determined to fasten the blessings of democracy on everyone, whether they want it or not, and nowhere more so than in Vietnam. Our escalation is costing a very high price in world opinion. We are no longer isolationist by rejecting the rest of the world, but we are becoming isolated because the rest of the world now rejects us.

We stand all but alone in Vietnam.

Most of what token help we are receiving is reluctant, as with the Philippines whose President has had such difficulty in securing commitment of his legislature to the troops he has promised.

In Korea, our only substantial ally, the troops are bought. We are paying all the costs for the 20,000-man contingent in Vietnam, and we will pay for any new commitments and contingents.

Except for the few hundred Australians and New Zealanders involved, other nations have confined themselves to humanitarian measures such as sending medical teams, flood relief, or hospital equipment.

A consortium of West German businessmen has provided China with the promise of a steel mill.

It is rumored that some of their contacts for financial support have run back to our own country. It is significant for us to remember that not one country in North or South America has troops by our side. In all the continent of Europe, not one country has troops by our side. In all the continent of Africa, not one country has troops by our side. Excluding Korea—unless we want to count the Philippines—in all of Asia, not one country has troops by our side.

The major countries in all the continents of the world are against us.

I cannot help repeating what the Japanese told me when I was there. They said:

We have been in Southeast Asia once. We are not going back. Besides, we want your military bases out of Okinawa. We want Okinawa returned to Japan. We want your military bases out of Japan.

I asked at that time what I thought was a pertinent question:

Who will then defend you against the Chinese Communists?

Their very easy reply was:

You must remember that we are second cousins to the Chinese, and we are trading with them.

I asked how much they traded with them and if there was any restriction on the items. They said:

We are trading with them to the extent that we think it is best to do so, and when it is profitable. We do not intend to let their business go by the wayside.

We think of Peking as our enemy. Our friends are selling their surplus wheat to China, a country that we say is directing the activities of North Vietnam.

Our neighboring country to the north, with whom we have friendly relations and a common boundary, Canada, has just recently completed a long-term agreement to sell their surplus wheat to China.

The grain bins on the northern border of the United States have been discovered to be depleted of their surplus grain. It might be interesting to find out how much of that surplus wheat has found its way across the border and over to the enemy, Peking.

VI

The earth-bound politics of Vietnam cannot be solved by the airborne cavalry of America.

The anonymous southeast Asia statesman who made that memorable summing up to Emmet John Hughes, as he reported it in the May 30 Newsweek, put our hard choice clearly when he continued:

You now have probably a last decision to make. You may try to smother all forces in Vietnam seeking compromise and peace—

thus pitting them all against you. Or you may try to work with the best of these forces in their confused attempts at negotiation, so that the very imperfect end of it all still will allow you to leave with dignity.

Have we now made our last decision, the decision that, come what peace opportunities there may, our way shall be irrevocably that of military escalation, of might that loses us our tradition of right, of acceding one after another to the successive unsuccessful next steps which pave the road to atomic holocaust in the sacred cause of anticommunism?

It takes no courage to do what we are doing today. We drifted into the situation at first, without planning. But to plan escalation of what has been called this "dirty little war" into an ever larger, dirtier, more tragic conflict is worse than no planning at all.

Secretary General U Thant has portrayed what is happening when he said:

Little by little, larger forces and more powerful armaments have been introduced, until an anguished and perplexed world has suddenly found that a limited and local conflict is threatening to turn into a major confrontation. And though the fear—

I want to emphasize this—

and though the fear of a much larger conflict may still have a restraining influence upon the demands of military strategy, the temptation to win a military success may still prove stronger than the more prudent call to reason.

U Thant has long since, and repeatedly, set forth three measures by which we must proceed for peace. With these I agree: return to the Geneva agreements; include the actual combatants in the discussions; and "start scaling down military operations" rather than escalation.

To do these things instead of what we are now doing requires courage. We must resolve, in the words of John Emmet Hughes, "to ignore all zealots who still shout their preposterous prescription that a little more military medicine can cure political sickness." We must give up the mythology that says the National Liberation Front is a figment of the imagination. The Geneva accords were signed by France and by the Vietminh, not by the state of Vietnam whose delegate stood by protesting. The willingness to deal with such an entity as the NLF, a nongovernment, requires courage, but its recognition appears the major sticking point in much of the discussion about negotiation.

And we must deescalate rather than move always as inexorably as a juggernaut toward the horrors of conflict with China and the dropping of the hydrogen bomb. We should follow the sage advice of General Gavin, and in moving back to enclaves we should hold and negotiate.

When we in Congress consider proposals for watersheds and dams and projects of the Corps of Engineers, we rely heavily on the careful calculation of what the corps calls the cost-benefit ratio.

What is the cost-benefit ratio in Vietnam? A truthful answer to that question, including the costs of our go-it-alone policy in the loss of America's now tarnished moral leadership among the nations, is too great for persistent escalation. Let us work as diligently for peace.

One final proposal. Russia is a cochairman of the Geneva Conferences of both 1954 and 1962. Britain is the other cochairman. As a first step, I propose that they together demand a convening of a third Geneva Conference to bring us back to an implementing of the Geneva accords, with whatever modifications may be found necessary. I shall reiterate this proposal directly to the British people in a BBC satellite broadcast this evening. I propose that the situation has become so serious that it is the duty of the other nations concerned to answer such a call, and that the process must be strengthened and implemented in whatever way is possible through the United Nations, to whom our unilateral action is doing all but irreparable damage by the destruction of its usefulness.

For the problem is one of self-discipline. We have not found it hard to call for United Nations action in the Congo, in Cyprus, in Israel, and in Jordan. But we in the United States, who are able by our power to act in a different way from the small powers, must also subject ourselves to the good judgment and the cooperative appraisal of the world community. Otherwise, we have perhaps once and for all lost our right to moral leadership and become only another in the long parade of powers, from Alexander's Greece to our own day, who have trusted to might instead of right.

U Thant said in his speech last month:

The solution lies in the hands of those who have the power and the responsibility, to decide. If they seek a peaceful solution, the United Nations and many of its members stand ready to help them in all possible ways.

It is we who have the responsibility, it is we who have the power. It is we who must turn toward a peaceful solution and withdraw from this pattern of escalation, courageous in the right, to find the answer in peace at the bargaining table.

During the delivery of Mr. HARTKE'S speech,

Mr. CLARK. The Senator from Indiana has been kind enough to give me an advance copy of his most important and stimulating remarks. I regret I was unable to be present when he began, and I shall have to leave before he finishes, but I do recall that the Senator's suggestion at the end of his address is that we attempt to start to settle the Vietnamese war by returning to the Geneva Convention and the Geneva organization which consists of cochairmen from Russia and Great Britain. Is this not correct?

Mr. HARTKE. The Senator is exactly correct.

Mr. CLARK. I wonder if the Senator has any information as to whether our country would be willing to urge the cochairmen of the Geneva Convention, Great Britain and Russia, to call a meeting, which we would attend, in the interests of obtaining peace.

Mr. HARTKE. I have no such information. I was not present at the hearings this morning before the Senate Foreign Relations Committee, which I understand were followed by an interesting discussion, but I see no reason, if we are sincerely interested in peace—and I hope and pray we are—why we would not make it almost in the form of insistence to our good friends from Britain—who have been willing to stand by us under extreme circumstances—and say to our British friends and to Russia jointly, "You are chairmen of this Commission; call it, and we will come. We insist that you call it. We will place this matter in front of you, and let the nations of the world be the judges."

Mr. CLARK. I understand our official position is that we have been willing to go to a new Geneva meeting if the cochairmen were to call such a meeting. Great Britain is said to have made earnest efforts to persuade Russia to join them in calling such a meeting, but it is understood that the Russians have been unwilling to do so.

I call to the Senator's attention a dispatch which appears on page 21 of this morning's Washington Post. The headline is "De Gaulle Ends His Policy Talks at Round Table Session in the Kremlin." Then this statement appears, under the byline of Gilbert Sedbon, from Moscow, under date of June 29:

French sources said the two sides agreed—

That is, France and Russia—

that the Vietnam problem should be settled on the basis of the 1954 Geneva Conference agreements which ended the 7-year war in former French Indochina.

If the Russians agree that the Geneva Convention is the place to start peace talks, and if the British likewise agree, why should not the U.S. Government today call upon Russia and Britain to go through with the agreement, which the British say they are prepared to do, and which this article now says the Russians wish to do also, as a result of their conversations with De Gaulle?

Mr. HARTKE. The Senator from Pennsylvania, of course, knows the answer to that. It is obvious that we should; and we should not be the reluctant dragon, to be drawn or forced into peace discussions. From the typical American viewpoint, we should be the first ones to seek to end the killing, to secure peace in the world, to bring peaceful settlements to disputes—especially that dispute which has now been labeled an American war by the South Vietnamese themselves.

We should not only say we are willing to go if they call it; I think we should make it a positive declaration of purpose, that the President should say to these countries, "We ask—we do not request, but we demand—that you immediately call this group together, and we will be there."

I think there is no reason under the sun why, if we would demand such action, that it would not result in a positive movement toward peace. I repeat, as the Senator from Pennsylvania has just pointed out, not only are the Russians willing, but according to the statement from which the Senator quoted, the French are also willing.

I call the Senator's attention to a UPI dispatch of today, under item No. 21—which is timed at 12:16 p.m. today—under the heading "De Gaulle," dateline Moscow:

President de Gaulle and Soviet leaders called today for an end to all foreign intervention in Vietnam and a return to the 1954 Geneva Far Eastern peace settlement. They warned that the Vietnam War is a threat to peace, and said they have agreed to continue consulting each other on the Vietnam situation. They did so in a 2,000 word joint declaration at the end of the De Gaulle official 12-day visit to Russia. It was signed by De Gaulle and Soviet President Nikolai Podgorny.

Mr. CLARK. Is it not true, I ask the Senator from Indiana, that a reconvening of the Geneva powers has also been advocated by U Thant, the Secretary General of the United Nations?

Mr. HARTKE. Not only has he advocated it, but advocated it repeatedly. He has pointed out the point which I am trying to make in my remarks today: The real prelude to this is that the powers responsible—and I hope we recognize that we are involved, now, in that war over there—must try to create the climate, not for greater resistance, not for pent-up emotions, but for constructive action.

All I can say to my friend from Pennsylvania is, I wonder how interested we would be in peace if we saw bombs dropping on the outskirts of Washington, D.C.? I think it would intensify our efforts to resist, and to say, "We will never come to the peace table with those people."

Mr. CLARK. It has been said there is a crisis of credibility in our country with respect to our earnest desire to end the Vietnamese war through negotiations. The Senator from Indiana has pointed out, with powerful logic, the many occasions on which, while talking peace, we have stepped up and escalated the war.

I would think that if the Secretary of State—and, indeed, the President also—wished to show to the world the sincerity of our statements that we desire peace, the time is right now, today or maybe tomorrow, but no later, for the President to call on Russia and Britain to reconvene the Geneva powers, and to ask the assistance of U Thant and the United Nations in bringing such a meeting about, so that we could sit down and begin an end to this frightening war, which is costing the lives of so many American boys and the crippling of so many others.

Mr. HARTKE. I think the suggestion of the Senator from Pennsylvania is proper. Let me point out that in the item which he referred to a moment ago about Secretary General U Thant, U Thant has said the United Nations stands by, ready and willing to assist. What he is saying to us is, "I am willing to help you; I am willing to go along and be the intermediary, if you wish me to be. But at least give me something to talk from. Give me the starting signal. Give me something to indicate that you are willing to move forward with me."

Mr. CLARK. I appreciate the Senator's comments, and I congratulate him on the splendid address he is making. I hope the suggestions we have made in this short colloquy will receive some attention, both at Foggy Bottom and the White House.

Mr. HARTKE. I thank the Senator from Pennsylvania. I know of no one who has been more diligent in his efforts to seek a solution to this terrible quicksand situation in which we have become involved. His sterling performance on the Foreign Relations Committee speaks well, not only for himself, but for the entire committee and the Senate in general.

Mr. CLARK. I thank my friend for his kind words, and only hope, while few Senators are present this afternoon, that all of them will read my friend's perceptive address.

(At this point the Acting President pro tempore (Mr. METCALF) assumed the chair as Presiding Officer.)

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

Mr. HARTKE. I am happy to yield to the distinguished Senator from South Dakota, who for a long time has led a tremendous fight in the Senate toward a peaceful solution of this problem.

I should like to point out, parenthetically, before I yield, that I do not believe the Senator from South Dakota, who carries the highest decorations of this Government, should come before us with a feeling that he is not a patriot.

I do not mean to embarrass the Senator from South Dakota, but remarks have been made that we who are interested in peace are not patriotic to this country. I believe that possibly more courage is required for some of us to speak out for peace than is required to speak out for continued war.

I do not mean to embarrass the Senator, but I have spoken the truth about his decorations, and his combat service needs no reiteration. However, sometimes people have a tendency to lose sight of some of those who are engaged in the struggle for peace.

Mr. McGOVERN. Mr. President, I appreciate the overly generous estimate of me that has been stated by the Senator from Indiana, but I really rose to commend him on the clarity of his expression today.

The Senator from Indiana has made a number of statements in recent months on the difficult problem in Vietnam. I believe that his contribution this afternoon represents his finest effort. I commend him not only on the clarity of his statement, but also on the remarkable courage that he has displayed in everything he has said this afternoon.

The Senator from Indiana took on a new leadership role in the Senate early this year, not that he had not made many great contributions in the past. But in speaking out as he has, and in using his talents and skill to persuade others to speak out, I believe he has made a contribution to the better understanding of the issues in Vietnam and to the discussion of those issues in the Senate and across the country.

As the Senator from Indiana has said, the easiest thing in the world to do in time of war is to join the parade. No great initiative is required. No great intelligence of courage is required to drift along with the crowd in time of war.

One of the greatest Americans reminded us a good many years ago that the first casualty in time of war is the truth. Therefore, I was happy to hear the Senator from Indiana emphasize the right of the American people to know the truth. One way by which they find the truth is through the discussion of various points of view in the Senate.

I believe the Senator from Indiana would be the first to agree that men of good will can disagree on this issue and on how it should be dealt with. One method by which a better understanding of the problem can be attained is the kind of frank expression of opinion with which he has favored Senators today.

In my opinion, it will be more difficult for honest dissent to be heard henceforth. The more the bombs and the guns roar, the more difficult it is for thoughtful voices to be heard over that kind of escalation.

I know of no Member of the Senate who loves public service and loves political action more than does the Senator from Indiana. I know that he does not risk his political career lightly; but he takes that risk by speaking out at a time when the war is heating up, because he loves his country, he loves his family, and he loves the peace of the world more than he is concerned about his own political security.

I believe that many people in this country may at first applaud the recent step-up in our military effort. They are looking for some way out; they are looking for some way to bring the war to an end; and the temptation is to conclude the war with an all-out push of that kind. They believe that perhaps such action will offer a solution that has not yet been found.

I recall the sad words of the late President Kennedy, after the Bay of Pigs fiasco. The Senator from Indiana will recall that immediately after that tragic misuse of American power that backfired on us, the standing of President Kennedy in the public opinion polls went up. He turned to one of his aides and said:

Isn't it too bad that the worse we do, the more our public opinion standing improves?

I suspect that there will be some temporary applause for the recent action. But when the people learn once again that this is not the answer to the kind of problems that face us in Vietnam, the disillusionment will set in again.

Again, I applaud the Senator's speech in the Senate this afternoon.

Mr. HARTKE. I thank the Senator from South Dakota for his fine words.

Much has been said in frank discussions on the floor of the Senate about the truth. I might refer to some of the persons who probably do not agree with me about the military efforts, but who have attempted repeatedly to bring some facts to the floor of the Senate, only to realize later that what they had tried to persuade others was the truth, was not the truth.

I recall that during the summer of last year, the distinguished Senator from Mississippi [Mr. STENNIS] stated that by

the end of the year the annual cost of the war would be in the neighborhood of from $10 billion to $12 billion. The immediate reply was:

He is wrong; it will not be nearly half that much.

But when the cold calculations were in, his figures were correct. He stated that the increased cost of the war would be much greater than the people had been led by the military authorities to believe it would be. The Secretary of Defense said it would cost from $14 billion to $16 billion. He said he had always agreed that that would be the price.

The Secretary of Defense puts the cost at $14 billion to $16 billion. He has always agreed that this was the price. Fortune magazine paints a more realistic picture of the cost at $23 billion to $25 billion. When I raised this question with the Secretary of the Treasury it was said that this figure was wrong. They said the correct figure was $10 billion to $12 billion. Another distinguished Member of this body, the chairman of the committee, told me:

All I can tell you is that probably the more correct figure is about $30 billion.

He is a man who does not agree with the position which the Senator from South Dakota [Mr. MCGOVERN] and I take in connection with the military aspect of the war.

When we talk about these things there is room for vast difference of opinion but there is not room for people to be called disloyal to the country because they are willing to stand up for what they believe.

If in this country one has to conform to some level of thinking, whether one believes it or not, this country has lost one of the basic pillars upon which it was built.

If the Senate is not something more than the handmaiden of those who call the tune, why not abolish the body and save the expense? If this is supposed to be the function of the Senate, I see no need for serving here longer. I do not want it implied by that that I see no use for service. I believe the Senate is establishing its independence as a branch of the Government. I believe the Committee on Foreign Relations is recognized as a copartner, as was demonstrated this morning. It is not going to take a back seat. It is going to be present and it is going to continue to point out what it believes.

The distinguished Senator from Idaho [Mr. CHURCH] is in the Chamber. His leadership in this field should lead all of us to greater hope and inspiration.

I thank the Senator from South Dakota.

Mr. CHURCH. Mr. President, I join in the tribute that the distinguished Senator from South Dakota [Mr. MCGOVERN] has extended to the senior Senator from Indiana [Mr. HARTKE].

Earlier today, the Under Secretary of State, George Ball, appeared as a witness before the Senate Committee on Foreign Relations. In response to questions, he alleged that there was no evidence from the latest contacts with the government of Hanoi that Ho Chi Minh was any more inclined than before to come to the bargaining table; that all of the soundings had been negative; and that it was only after this judgment had been reached that the new extension of the bombing was ordered.

I would ask the senior Senator from Indiana whether we are not simply increasing the dosage of a medicine that has already failed to cure the patient? We notch up the war to a still higher level after years of continuous escalation, even though the whole process has brought us no closer to a negotiated settlement than we were 12 months ago, and even though the number of American troops engaged in the war has increased by more than tenfold?

I cannot see the logic that leads our decisionmakers to the conclusion that what has failed before is now suddenly going to succeed by notching the war up to a still higher level of general danger.

Does the Senator from Indiana agree?

Mr. HARTKE. I most certainly agree with the statement of the Senator from Idaho.

Yesterday the distinguished Senator from Vermont [Mr. AIKEN] issued what I suppose would be considered a rather straightforward statement. I had occasion to talk to the Senator from Vermont [Mr. AIKEN] before he left for his home State. He said:

Not alone do I mean what I say, but I feel it more deeply than I said it.

I wish he were here because what he said in those statements is exactly what the Senator from Idaho said, and that is that the same advice which proved faulty in the past is being used over again, and the same reasons are being given for the same type of action.

Hopefully and prayerfully, if this would bring the end to the war, I believe that the American people would applaud it. But to claim every other week that peace is virtually around the corner has the same effect as the economic effect of the claim of the end of a depression being just around the corner. This stirring of hope when there is no hope is worse than being brutally truthful about the facts.

I think that the American people are stronger than the leadership gives them credit for being. I think they have the courage to face up to the facts of life and courage to be a little humble in front of the rest of the world, if that be the requirement. They have the courage to send forth their youth, as they have demonstrated in past military efforts. We have love of country but we also have love of man. I think that we underestimate the character of the American people. I do not wish to cast a reflection on the American people for an eternity which they do not deserve and unfortunately that is happening more and more each day.

I wonder how we will justify it with our conscience, the conscience of the Nation, in years to come.

Mr. CHURCH. I understand that the argument for widening the war effort is to increase its cost to North Vietnam to the point where Ho Chi Minh is forced to the negotiating table. I have never agreed with this notion, never in the past, nor do I agree with it now.

I do not think Ho Chi Minh can be forced to the negotiating table on his knees—unless we drag him there in chains.

I am disturbed, as is the senior Senator from Indiana [Mr. HARTKE], with the moral implications of this American involvement in Vietnam. I have recently returned from a visit to Western Europe. I went to the principal capitals of countries that have long been alined with, or friendly to, the United States. I was in Geneva, Brussels, Paris, London, Bonn, and West Berlin. Nowhere in Western Europe is there any enthusiasm for American policy in southeast Asia. Indeed, I was disheartened by the extent and vigor of the criticism.

When we find so negative a reaction to American policy in so favorable a region as Western Europe, one must ask: How are people in other areas, areas which are historically less closely related to the United States, evaluating American policy? What are the Africans thinking about it? What is the reaction of Asian people in regions close to Vietnam?

It is clear that fewer and fewer governments are willing publicly to support American policy. Even Prime Minister Wilson, who for so long has so stalwartly supported the American position against mounting political opposition at home, yesterday dissociated his government from our most recent extension of the bombing in Vietnam.

I have tried to analyze the growing amount of opposition to our Vietnamese policy in so many parts of the world. It seems to me that there are at least three factors accounting for the adverse reaction. First, there is the factor that the American intervention in Vietnam is a conspicuous one that all the world can immediately perceive. After all, we have come as an outsider from the opposite side of the globe.

We have come in massive numbers with a gigantic show of expensive equipment. We have moved in typical American fashion, which fairly shouts out to the whole world.

So dramatic has this intervention been that foreign people, for the most part, have lost sight of the earlier intervention by the North Vietnamese into the south. It is the American presence in Vietnam which has attracted world attention. This is understandable from still another standpoint, because American intervention partakes of a different character. No matter how often we stress that the North Vietnamese have engaged in an aggression against South Vietnam, we cannot obscure the fact that the North Vietnamese still remain Vietnamese, and that until the American intervention occurred, this was a Vietnamese war between various factions of Vietnamese people in a country that had not been traditionally divided into two parts, but had historically preserved its general homogeneity. The objective of the war was classically that of any civil war; namely, to determine what the character

of the government of Vietnam would be, and whether the temporary division which was established at Geneva in 1954 was to be sustained.

Now, given these considerations, it is entirely understandable that the world should think of the Vietnamese war in terms of American intervention, rather than in terms of the aggression of the north against the south. That is one factor.

The second factor is the obvious disparity in the size of the contesting nations. The United States is the strongest, wealthiest, and most powerful Nation in the world—and all the world knows it. We have brought the great weight of American military power to bear—increasingly so with the latest decisions—on a very primitive, undeveloped, little Asian land which most of the world, including most of the people of the United States, had never heard of until the war began.

Now, in that situation, there is no glory ever to be gained by the United States in any sort of military conquest. In that situation, the natural human reaction, in other parts of the world, is to identify with the underdog. This is working to the advantage of the Hanoi government and is continuing to erode against the prestige of the United States.

I know that there are those who say it does not matter, that the United States is a great and powerful land which cannot expect to be loved. Mr. President, I do not expect that this country should be loved, but it does concern me when I find so much evidence that we are not being respected.

I think, in part, this has to do with the great imbalance represented in the present military action, and the natural human reaction elsewhere in the world to that situation.

Then, there is a third factor, the fact that although we keep emphasizing our peaceful intentions and our willingness to go to the conference table, we are expanding the war effort at the same time. When we enlarge the war, on the one hand, and reassert our interest in peace, on the other, and this pattern persists month after month, there comes a time when people begin to doubt that our deeds match our words. We have often said as much in our criticism of the Soviet Union and other foreign countries. Thus, I believe that, for the first time, there are many people in the world who are questioning American purposes in Vietnam.

I mention these factors to the Senator with a deep sense of regret because I think that the combination has led to a serious deterioration in American prestige. It is serious, not because we expect to be loved, but because the moral position of this country is the basis for the real and lasting leadership which we can exercise in world affairs. We are paying a severe penalty. Accordingly, I must say, without extending my remarks further—and with apologies to the distinguished Senator from South Dakota who awaits to make a speech on this subject, to which I look forward with great interest—that the latest extension of the war is part of a pattern which is doing this country grave damage in the eyes of the rest of the world. It is placing us in a position in which we find ourselves increasingly isolated.

I would hope we could look for some different kind of prescription, instead of continuing to increase the doses of the sort of medicine that clearly has not worked in the past and gives no indication, according to the latest evidence that can be adduced by the Secretary of State, that it is woking for us now—some different kind of medicine that will increase the prospects for a negotiated settlement.

We do not want Vietnam as a protectorate of this Nation. It is not our purpose to conquer—for clearly we can—it is, rather, an attempt to reach an equitable settlement which can find support from all the factions of the Vietnamese people and lead ultimately to self-determination. If we can accomplish this objective, then I think American prestige will begin to soar upward again. I thank the Senator for his exceptionally fine address and commend him for it.

Mr. HARTKE. I shall have to leave shortly, may I say to the Senator from South Dakota [Mr. McGOVERN] who is waiting to make his speech.

Let me say to the Senator from Idaho that I think the three points he has made are well taken. Yet I think the biggest item in his remarks is that part in which he points to the fact that we have a chance for continued leadership in the world. We seem to be throwing it away. For what cause? We are losing the right to be the moral and idealistic leaders in the world, with ideals that appeal to minds of men, rather than pushing ourselves and forcing ourselves with our military might, where the people must come to us in chains, as the Senator has said. I hope we are past that day.

This Nation has a Supreme Court. Many people criticize it, but not only do we recognize the right of the people to disagree with each other and to discuss those differences of opinion, but I do not know know of anyone who advocates that the American people should be put in a position where they are forced, whether by military force or in any other way, to agree. This seems to be a new concept that has sprung up.

I must leave. I think I should go so I have a chance to tell the British people that there is some thinking over here which indicates the Prime Minister may have been right.

Mr. McGOVERN. Mr. President, I do not mind at all having waited through the remarks made by the Senator from Idaho, as well as the Senator from Indiana. I am tempted to cut short my speech. In fact, I think that is what I shall do, because the remarks of the Senator from Idaho say what I wanted to say better than I can phrase it.

Once again I commend the Senator from Idaho for his clarity and eloquence on this subject.

Before I move on to my own prepared remarks, apropos of what the Senator had been commenting on a few minutes ago, about some of the difficulties we face in stabilizing our position in Vietnam, is it not true that we have been running against the force of nationalism, the desire for self-determination, through our own intervention, and that we have become identified with the forces which have not reflected the aspirations of the Vietnamese people?

I call attention, for example, to the blunt fact that all but one of the South Vietnamese generals who represent the military junta fought with the French against their own people in the war for independence which followed World War II. Would not this be roughly comparable to having eight or nine Benedict Arnolds attempting to run the United States in the years that followed our own war for independence some 175 years ago?

Mr. CHURCH. Yes. The present junta government in Saigon cannot possibly be regarded as anti-French, considering the generals who form the ruling body. I think, from the beginning, that the problem in Vietnam has been that the Communists, at an early date, managed to assume the leadership of the nationalist movement. Ho Chi Minh led the fight for independence against the French.

It is unfortunate that Ho Chi Minh was a Communist. I rejoice that in most parts of Asia and Africa the nationalist movements have been non-Communist led. But the fact that communism was so closely identified with nationalism in Vietnam gave it strong popular appeal.

This has doubtlessly sustained Ho Chi Minh as a kind of Vietnamese hero, while, by the very admission of the present officials who are most closely identified with the support of American policy, those who represent the government in Saigon are not even well known to the Vietnamese people, let alone identified with the great, sustained patriotic Vietnamese endeavor to achieve their independence from the French.

Mr. McGOVERN. And those who are well known are recognized for their role on the French side in the fight for independence, as military figures who joined with the French in trying to subdue the Vietnamese people in their fight for independence, and in keeping Vietnam as part of the French empire.

Mr. CHURCH. The Senator is correct. I think this underlines a point of great importance. If American policy is to be a factor in Asia in discouraging the further spread of communism, it will never be accomplished in any lasting way through the massive intervention of western military forces.

It may be that we can occupy a limited area like South Vietnam and hold it for as long as we are willing to maintain an army of sufficient size in that country. But in the overall pattern, military intervention in Asia under the guise of preventing the spread of communism is the surest prescription for self-defeat. The real bulwark against communism in Asia is indigenous nationalism, which has worked most effectively in areas where our presence has been limited and restrained.

Look at what has happened in Indonesia, where many months ago Sukarno invited us out. Our own presence is so limited in that country that we cannot

possibly claim credit for the most successful repression of communism that has occurred in Asia.

Mr. McGOVERN. Would not the Senator say that part of that success was brought on by the heavyhanded tactics of the Chinese in trying to intervene too obviously and too crudely, and that they receive a bad reaction in those instances where they try to exert their influence too dramatically?

Mr. CHURCH. Without any question, that is true. I cite the example of Burma, where there was a Communist-led guerrilla war some years ago. Secretary General U Thant of the United Nations, himself a Burmese, said not long ago that if there had been the kind of military intervention in Burma that has occurred in Vietnam, he himself was convinced that Burma today would either be a partitioned country, half-Communist, or all of it would be Communist.

Yet that country, with more than 1,200 miles of common frontier with China, managed, through the assertion of an indigenous nationalist effort, to successfully put down the guerrilla war.

That is the kind of force behind which American policy in Asia should rally. I think that unless we learn this lesson, Vietnam may be the first of a series of tragedies which can only diminish American influence in that great region of the world.

I thank the Senator for permitting me to trespass upon his time.

Mr. McGOVERN. I thank the Senator for his observations.

Mr. President, the bombing of Hanoi and Haiphong was doubtless a military success. It testifies again to what I observed during a visit to Vietnam last fall—that our troops and our pilots are men of unquestioned bravery and skill. I think they represent the finest combat team we have ever assembled. As a bomber pilot in World War II, I appreciate the precision and the remarkable capability of our pilots on this mission.

Doubtless, the destruction of a portion of North Vietnam's oil supply will hamper their conduct of the war, and delay their timetables. It may mean that they will have to resort more to their traditional guerrilla tactics rather than relying so heavily on the quick movement of troops and supplies by motor transport.

But, Mr. President, I view the latest bombing effort with deep misgivings for two reasons: First it represents another dangerous new dimension to the Vietnam war; and second it dodges once again the basic political issue of the conflict. It would seem to be a move toward a bigger, bloodier, and perhaps longer war and a lessening of the chances for a negotiated settlement. As the Senator from Indiana has said so well this afternoon, it forecloses, at least for the time being, the possibility of negotiations. If it follows the pattern of previous efforts, we can expect the Russians, the Chinese, and other allies of North Vietnam to respond by sending more aid into the war. It now seems quite certain that each new commitment of force by us will be met by a countermove on the other side.

What began in the 1950's as a local struggle among two groups in South Vietnam has now moved another step closer toward a full-scale international conflict. The most obvious side result of the recent bombing is that we have lost the support for our Vietnam policy of a major ally, Great Britain. The British Prime Minister responded to the bombing with the statement:

> We must disassociate ourselves from an action of this kind.

Let us be clear, Mr. President, what is at question here is not the obvious bravery and skill of American soldiers and pilots. Neither does one question the military impact of strategic American bombing.

But we are not dealing in Vietnam primarily with a military problem. We are dealing primarily with a political problem which is the establishment in Vietnam of a stable government that has the confidence of its own people. That is a task which can never be performed by anyone other than the Vietnamese people themselves. And the more we dodge that central fact, the more trouble we are going to encounter in southeast Asia and the more difficult becomes a final resolution of this tragic conflict.

It has been said that there are many paths to peace, and I have no doubt that our military advisers and our President now believe that the path to peace in Vietnam lies in increasing military operations. In the past 18 months we have virtually taken over the war. But we are further away from a settlement today than we were a decade ago or 2 years ago. We have no major ally for our venture there; we are largely alone in the struggle.

A few hundred miles to the south of the targets which our planes hit so accurately this week lies Saigon, where we are backing a government that is incapable either of winning a military struggle or governing its people. We can smash any target we choose, but we cannot deliver good government to Saigon by bombing Hanoi.

I do not discount the fact that it takes time to build a solid government, but that is basically a matter of securing the kind of indigenous loyalty which General Ky and his predecessors have not earned from their people. Our greatest continuing error in Vietnam is that we are using American troops and planes to compensate for the political weakness of a regime that lacks the support of its own citizens.

If we are willing to sacrifice thousands of American soldiers and pilots, we can probably kill enough Vietnamese and destroy enough property to win the military battles in the end. Surely, the mighty United States, as Senator CHURCH indicated a moment ago, has enough power to crush a little impoverished state like Vietnam. But what assurance do we have that this bloody crusade will produce a stable government in Saigon acceptable to its people and friendly to the United States?

It is said that we are bombing the north to encourage General Ky's regime in the south. But the more America takes over the conduct of the war, the more General Ky uses his forces not to fight the Communists, but to suppress the Buddhists and other critics of his regime.

A United Press report yesterday on the bombing of Hanoi and Haiphong states:

> The strikes . . . once again gave a dramatic demonstration of America's ability to bomb virtually at will anywhere in the Communist nation.

But we had better not draw too much consolation from this demonstration of American control of the skies. The issues that will determine the future of Vietnam are on the ground—in the rice paddies, the villages, and within the Vietnamese people. I can think of no real problem in South Vietnam that is going to be solved by bombing North Vietnam.

Even if we win all the military battles, I fear that the results will be something as follows:

First. We will have so completely destroyed the fabric of Vietnamese society that either the Communists or some other dictatorial regime will take over by default, or else American forces will have to stay there indefinitely.

Second. We will succeed in driving the North Vietnamese into a closer and closer alliance with their traditional enemy—China, and perhaps succeed in reuniting the now fractured Communist bloc. Creating a military and political wasteland in Vietnam is an invitation to Chinese penetration.

Third. We will jeopardize the most important diplomatic interest of the United States, which is improved relations between the Soviet Union and the United States—the world's two great nuclear powers.

Fourth. We will have damaged the worldwide moral and political influence of the United States in bypassing the United Nations by a unilateral demonstration of the capacity of a rich, white Western nation to crush a backward Asiatic state.

Fifth. In addition to the inestimable loss of thousands of our finest young men, the $2 billion a month that we are pouring into this war will jeopardize the value of our dollar, increase the inflationary pressures on our economy, and undercut important programs of social and economic progress in our own society.

Instead of self-defeating efforts to compensate for the political weakness of South Vietnam by bombing North Vietnam, I would suggest the five following steps:

First. We should try to make credible to all parties our commitment to holding elections as has been promised by Premier Ky. We should make this commitment clear to the Vietnamese military, to the different civilian factions, and to the rest of the world. The greatest danger is that a new army coup to forestall the elections, or a move by Ky to constrict the elections to such a degree that they lose all appeal to the civilian leaders, and especially the Buddhist groups. We should try to maintain the momentum of Ky's promise, whether or not Ky himself survives or is replaced by a new military coup or by the sort of military-civilian panel contemplated in

the last few weeks. Only elections can produce the sort of balance that will reassure jealous factions of a voice in the Government and protection against persecution. All significant political groups including the National Liberation Front must be invited to participate in the elections and in the arrangements for the elections.

Second. I suggest no further U.S. military buildup in Vietnam pending elections. I would urge that we end the bombing operations and that we curtail our offensive operations on the ground.

Third. I suggest that we or Saigon seriously attempt to negotiate directly with the National Liberation Front for a cease-fire before the elections. I have always found it difficult to understand the rationality of refusing to negotiate with the NLF. If it is true that the NLF as a fighting force is controlled by Hanoi as a subsidiary of the northern Communist Party, then it makes no difference whether we deal with them or with the Hanoi government. As far as northern elements are concerned, dealing with them admits no more than that they are in the south, and as far as southern elements are concerned, dealing with them could not be objectionable unless it amounted to a recognition of their belligerency in a legal sense, which would be quite unnecessary. If, on the other hand, the NLF is, as it claims to be, a fully representative independent southern organization, we must talk with them directly one day. To quibble over the implications of recognizing the existence of the NLF when so many lives are being lost every day in warfare with them is a nightmarish absurdity.

As to the participation of the NLF in the election and the arrangements for such an election, it seems to me that those are the only terms they could accept for a cease-fire. A cease-fire is important to the success of the election process. Furthermore, the objections to NLF participation that were valid 10 years ago no longer apply. As previously stated, they are by no means the only organized national political force any longer; their program is no longer without competitors, their leaders' names are unknown to the mass of the people compared with those of other political leaders, and although their control is effective in large areas of the countryside, it is minimal in the population centers; it may very well be that they would get a minor fraction of the vote in an authentic election.

Fourth. I suggest the introduction of an effective international presence in South Vietnam to help assure the validity and integrity of the electoral process. It should remain during an interim period to help stabilize the political scene. This would rectify to some degree our initial mistake of intervening unilaterally in a complex struggle that calls for action by the international community. It now seems unlikely that the Security Council will undertake this task, but the members of the International Control Commission have given signs of a willingness to do so.

Fifth. I suggest immediate reaffirmation by the U.S. Government of its readiness to abide by the results of free elections, readiness to withdraw U.S. military troops and bases from South Vietnam, and readiness to observe the essential provisions of the Geneva accords, including the possibility of peaceful reunification of North and South Vietnam.

I fully endorse the recommendation made by Senators HARTKE and CLARK this afternoon for a reconvening of the Geneva Conference to seek an end to the war. The current discussions between President de Gaulle and the Russian Government seem to hold out a new hope that Russia might cooperate with Britain as cochairmen of the Geneva Convention in calling for a new conference on Vietnam.

The NLF may reject these proposals. Perhaps the most likely response is a demand for the prior withdrawal of American troops, harking back again to the Geneva accords. In that case, the demonstrable presence of North Vietnamese formations in the south in the last year or two would give us a bargaining point. We could agree to the withdrawal of our troops in return for the withdrawal of North Vietnamese forces. But whatever the initial reply from the other side, I think that the cessation of our bombing and offensive ground actions, combined with a proposal for a cease-fire, open elections, and direct negotiations is the right policy for the United States. It is the right policy if the proposal succeeds. It is the right policy if it starts a dialog with the enemy, no matter how protracted. And it is the right policy even if the NLF rejects it for a time, because it will show the non-Communist political forces in Vietnam and the rest of the world that the United States desires peace and self-determination for southeast Asia.

Mr. President, one of the most revealing factors in our Vietnam experience has been the widespread opposition to our policy of a large portion of our academic and religious communities. The moral and intellectual questions associated with a great nation trying to bring its enormous military might to bear on the troubles of a small turmoil-afflicted state have deeply disturbed thoughtful Americans.

A profound expression of the conscience of the academic and professional communities appeared in the Sunday New York Times, June 5, 1966. I ask unanimous consent that this statement and the names of its sponsors be printed at this point in the CONGRESSIONAL RECORD, together with a brilliant analysis of our Vietnam dilemma by Prof. Hans J. Morgenthau of the University of Chicago, which appeared in the May 28 issue of the New Republic.

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

[From the New York Times, June 5, 1966]

ON VIETNAM

Events of the past few months have further undermined the administration's stated rationale for involvement in Vietnam—that American armed force is there to defend the Vietnamese. The continuing demonstrations in Hue, Danang and Saigon, with their anti-Ky and anti-American slogans, have made it clearer than ever that the Saigon regime has virtually no popular support. Military activities have been steadily escalated, and American military power has been forced to assume the brunt of the fighting from the South Vietnamese army. An estimated 100,000 soldiers deserted this army in 1965 alone (N.Y. Times 2-24-66).

The successive regimes in Saigon which our government has been supporting were never popularly elected, and since shortly after the inception of the civil war have not governed more than a portion of South Vietnam. Nonetheless, the administration has attempted justification for American military intervention by claiming that these regimes have had popular support and could therefore be considered legitimate governments for all of South Vietnam.

The dramatic exposure of these false premises and of the fragile basis for our policies has led many prominent Americans, including some former supporters of the war, to declare that our forces must be prepared to leave Vietnam if a new government there asks us to do so.

But our administration's previous response to reverses in Vietnam has been escalation, bringing with it increasing death and destruction, and we are particularly alarmed at the extension of B-52 bombings to the North and new air raids in the Hanoi-Haiphong area. To escalate military while our position disintegrates politically is immoral, futile and perilous.

Furthermore, while increasing numbers of political leaders and commentators question the entire policy of the United States in Vietnam, the American force, approximately a quarter of a million men, is conducting "search-and-kill" operations and continues massive daily bombings in the course of which thousands of Vietnamese and Americans are being killed and wounded.

The interests of our country and the strength of our belief in the right of self-determination demand that ways be immediately found to disengage ourselves from this intolerable situation. We are convinced that such a course is in accord with the mood of increasing numbers of Americans.

We call upon our government:

To cease all bombing, North and South, and all other offensive military operations immediately;

To indicate that it will negotiate with the National Liberation Front and all other interested parties for a peaceful settlement;

To encourage in every way, and in no way to interfere with, the free exercise of popular sovereignty in Vietnam;

To evaluate seriously whether self-determination for the Vietnamese as well as our own national interests would not be best served by termination of our military presence in Vietnam.

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Other Denominations

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Other

Harold E. L. Barton, Robert Wesley Brown, Josef Eisinger, Ruth Herman, Julius Lawentman, Lance J. Lessler, F. Kenneth Mayer, Alex Munsell, Albert L. Polon, Thomas C. Rowan, R. G. Schulman, Harlow Shapley, Gary Steigman, K. T. Yen.

Other professions and names received too late to classify

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Roger Barr, Leone M. Bayer, Harumi Befu, Nelson Bengston, Harold Boyer, Eileen Blackey, Arnold Blanch, Peter Boelke, Walter R. Boelke, Albert Bofman, Edgar Borg, Irving Burton.

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JOHNSON'S DILEMMA—THE ALTERNATIVES NOW IN VIETNAM

(By Hans J. Morgenthau)

The events of recent months have brought the Vietnam war to a turning point. They have shattered at two places the wall of myths which thus far has protected us from contact with reality. Through two gaping holes reality stares us in the face, reducing to its true fictional dimensions what we mistakenly took to be the facts.

First of all, there is no such thing as a government in Saigon, and there has not been one since Diem's downfall in November, 1963, which we can be committed to assist and defend. South Vietnam is for all practical purposes divided into four autonomous fiefdoms, coterminous with the four corps areas and governed by their respective military commanders, over which the Saigon government exerts at best only the most tenuous control. In the attempt to restore its control over the First Corps area, the Saigon government had to resort to civil war.

This erosion of central control started with Diem's downfall and has been accentuated under Ky. Charles Mohr reported in *The New York Times* of April 15 that Ky "had virtually no popular support." He has no support from his subordinates either. When he criticized General Thi on March 3 in Danang in front of his staff, the latter asked: "Should we listen to this little man from Saigon?" General Chuan, appointed by Ky as the successor to Thi, expressed himself in favor of the aims of the anti-government demonstrations while mildly opposing in words the occurrence of demonstrations, and was forthwith dismissed. General Chieu, the Secretary-General of the military Directory, was seized in Hue by demonstrators and, in a speech over the radio station, duplicated General Chuan's performance. General Dinh, who was appointed to replace Chuan, is reported to be backing a "revolutionary corps" composed of rebellious troops and students. When government troops approached Danang on May 14, he fled to the house of General Walt, commander of the US Marines. According to *The New York Times* of May 16, he "was relieved of command because of 'disloyalty to the central government.' He was reported to have fled to Hue to join in open rebellion against the Ky regime. In his place, the government appointed Brig. Gen. Huynh Van Cao. . . . General Cao is the fourth man to hold the First Corps post in a little more than two months."

Junior officers of the First Corps issued a declaration of no confidence in the regime. Soldiers, policemen, civil servants—those who are the government in action—demonstrated in the streets against Ky and his associates. Robert Shaplen reports in *The New Yorker* that "one of the highest ranking leaders in the present government remarked to a friend that he did not know who among the 26 members of the present cabinet 'might be Communists'." C. L. Sulzberger summed it all up when he wrote in *The New York Times* of April 20: "For today the North of this tortured land, comprising the heart of ancient Annam, is almost an autonomous third Vietnam: although it is not controlled by Hanoi, it is but tenuously linked to Saigon. Vietnam once comprised three administrative areas—Tonkin, run from Hanoi; Cochin China, run from Saigon; and Annam, run from Hue. At the moment history repeats itself."

The other myth that has been exploded by recent events is the assumption that we are in Vietnam to protect the freedom of a people who want to be protected by us. The recent disturbances have been marked by widespread anti-Americanism aimed at our presence in South Vietnam. That sentiment was openly expressed by the demonstrators and voiced by high military personnel. Buddhist leaders declared their

satisfaction with the prospect of our departure. In his speech of April 18 at Hue, the Buddhist leader, Tri Quang, declared that "we are oppressed by two pressures—the Communists and the Americans. In the face of such monopolization and control, we must regain our right of self-determination. . . ." It is significant that General Dinh, mentioned above, invited Tri Quang to repeat this speech in Danang. The missteps of Ky, whom President Johnson had compared to Professor Rexford Tugwell, one of the architects of the New Deal, were widely blamed upon his "American advisers." Workers on American installations went on strike. Americans were attacked in the streets, and in consequence, several hundred American civilians had to be evacuated from Danang and American soldiers ordered off the streets of Vietnamese cities.

The mythological character of these two assumptions—the existence of a government in Saigon which we are committed to aid and defend, and the existence of a South Vietnamese people eager to be saved by us from Communism—has, of course, been well known to those observers who were capable of looking at the situation objectively, and there is no lack of printed material pointing to it. (*Cf.* on anti-Americanism, for instance, Jack Langguth's article in *The New York Times Magazine* of August 8, 1965.) Yet the clash between fiction and reality, revealing the fictions for what they are, has come as a shock to many of those who had lived in a self-created world of what Mark Twain has called "conscience-soothing fantasies." In consequence, there has been a sharpening and a radicalization of policy alternatives. There are those who recommend that we take over the government of South Vietnam and pursue the war with new vigor in the South and, more particularly, in the North. Others, such as Senators JOHN SHERMAN COOPER, VANCE HARTKE, JACOB JAVITS, RICHARD RUSSELL, JOHN STENNIS and many others who want to maintain their anonymity suggest that we leave Vietnam if a duly-elected government requests us to and some, such as Senators RUSSELL and STENNIS, are identified with both recommendations as alternatives.

The chief victim of this new contact with reality is likely to be President Johnson's moderate policy. The recent escalation of air attacks against the North is likely to be a portent of things to come. The mainstay of that moderate policy has been a two-pronged war, seeking pacification in the South, interdiction of supplies and erosion of the will to wage war in the North. Both policies have failed. Pacification, aside from its incompatibility with a war necessarily waged without discrimination between combatants and civilians, requires a government which can keep pacified areas under its control and command the loyalties of the inhabitants. Yet the Saigon government cannot even control its own officials and its cities, which openly defy it and are honeycombed with Viet Cong agents.

The bombing of the North, strictly limited in terms of targets, suffers from the same inner contradiction which Winston Churchill, on the occasion of the League of Nation's sanctions against Italy during the Ethiopian War, put in the following epigram: "First, the Prime Minister had declared that sanctions meant war; secondly, he was resolved that there must be no war; and thirdly, he decided upon sanctions. It was evidently impossible to comply with these three conditions." Similarly, President Johnson knows that effective bombing of North Vietnam conjures up the risk of a military confrontation with China or the Soviet Union or both; he is resolved that there must be no such confrontation, and he has decided upon the bombing of North Vietnam. Thus, in terms of its objective of bringing the Hanoi government to its knees and isolating it from the South, the bombing of North Vietnam, limited by the risk of a military confrontation with China and the Soviet Union, is of necessity an exercise in futility.

THE LIMITS OF BOMBING

It is at this point that the advocates of expanded bombing have logic on their side. If you want to test bombing as an instrument of political warfare, you must hurt the enemy until you have reached the limits of his endurance. Where these limits are is, however, a very open question. The experiences of World War II and of the Korean War cast serious doubt upon the effectiveness of even unlimited bombing as an instrument of political warfare. They suggest that under the impact of continuing attacks from the air, the morale of a government and of a people may stiffen rather than disintegrate.

The main issue raised by the suggestion to lift the restraints upon the bombing of North Vietnam, however, transcends the effectiveness of bombing as an instrument of political warfare. It concerns our relations with China and the Soviet Union. Neither of the two major Communist powers can afford to watch the destruction of a "fraternal Socialist country" without giving aid commensurate with the threat. Their leadership of the world Communist movement and, more particularly, their competition for it compel them to escalate their aid in proportion to our escalation of the damage we inflict upon North Vietnam. For China, that compulsion is compounded by her concern for national security. Where such escalation would stop or whether it could be stopped at all is anybody's guess. One can certainly not exclude the possibility that the Soviet Union and China would supply North Vietnam with "volunteers" and "technicians" on a large scale. The possibility of escalation, therefore, includes the risk of a direct military confrontation between the United States, on the one hand, China or the Soviet Union or both, on the other.

To the question as to whether we ought to take such a risk, no *a priori* affirmative or negative answer can be given. Rather the answer depends upon the assessment of the stakes in terms of the national interest of the United States, for which such a confrontation would take place. In other words, we are facing here again the much debated question, why are we in Vietnam? If the stakes in Vietnam are as high as the supporters of the war make them out to be, if indeed the credibility of the United States and its prestige as a great power are at issue, if perhaps even the fate of Asia and of the non-Communist world at large will be decided in Vietnam, then the risk of a direct military confrontation with China and the Soivet Union is worth taking. If, on the other hand, the stakes are minor or as mythological as the commitment to a Saigon government and the eagerness of the people of South Vietnam to be defended by us have already proved to be, then the risks we have been taking have been out of all proportion to the interests involved, and by the same token there is no legitimate reason for increasing drastically these risks. This is indeed what I believe.

THE ADMINISTRATION'S CASE

The stakes by which our continuing presence in Vietnam and the expansion of the war are justified are, in ascending order of plausibility, resistance to aggression, the containment of China, the containment of Communism, and the prestige of the United States.

We must prove, so the first argument runs, that aggression, especially in the form of "wars of national liberation," does not pay by frustrating it in Vietnam. I shall not raise here again the otherwise relevant question as to whether we are facing in South Vietnam foreign aggression in the true sense of the word, and shall limit myself to pointing out that the argument assumes both a uniform pattern of aggression and a causal nexus among different manifestations of it. In this view, there exist, say, five opportunities for aggression throughout the world. By stamping out number one, one is supposed to have gone a long way toward preventing the others from materializing. This is, of course, an utterly dogmatic view of the world, completely oblivious of the concrete circumstances of time and place which determine the success or failure of political action. From this apolitical and unhistoric vantage point, the political processes appear as a series of litigations, the outcome of which is determined, in the manner of a legal precedent, by the outcome of the first.

In truth, each case of "aggression" is *sui generis*, and except in the rare case of a close political and military connection, the outcome of one can at best have only a remote psychological influence upon the outcome of the others. The success of Soviet "aggression" in Hungary and Cuba did not predetermine the success of aggression elsewhere. Neither the failure of the Bay of Pigs invasion nor the success of the intervention in the Dominican Republic provide a precedent for anything. What happened in North Vietnam in 1954 and in Laos since 1958 has had no determining effect upon what happened elsewhere in the world, Southeast Asia included; at best, it was one factor among many. Our stake in thwarting "aggression" in South Vietnam must, then, be judged on its own merits, not in the unreal terms of remote determining effects.

That requirement is answered by the argument that we are in South Vietnam in order to contain China. However, the argument is devoid of factual support on three grounds. First, it assumes that the extension of Hanoi's rule to South Vietnam or the establishment of an independent South Vietnamese government of which the Viet Cong are a part would be tantamount to the expansion of Chinese influence into South Vietnam. In truth, however, China is being contained in Vietnam, North and South, even under the present most adverse circumstances, not by our military presence but by the innate nationalistic hostility of all of Vietnam to China. The expansion of Chinese influence has been stopped by the nationalism of Vietnam, as it has by that of North Korea.

Our military presence in South Vietnam and our war against the North—and this is the second error—far from serving the cause of China's containment actually serves her expansion; for it weakens that indigenous nationalism which everywhere in the uncommitted world contains the influence of the great powers. By making war upon the Viet Cong and North Vietnam, we are making war upon the most effective instruments of Vietnamese nationalism, and in the measure that we escalate the war, we force them into unwanted dependence upon China. Thus our policy has results exactly opposite to those intended.

Finally, the result would not be different if we were successful in our aim of destroying the power of the Viet Cong in South Vietnam and establishing and maintaining some sort of anti-Communist government there. Such a government would from the outset be discredited in the eyes of the Vietnamese people since it could not maintain itself without massive American support. From whatever angle one approaches the problem, one cannot escape the existential incompatibility between Vietnamese nationalism and a white military presence, however benevolently conceived.

This being the case, the argument that we must remain in Vietnam in order to contain China blends into the one that we must remain in Vietnam in order to contain Communism, regardless of the preferences of the

government and people of South Vietnam. By shifting the argument to an abstract ideological plane, we hope at the same time to avoid entanglement in the concrete issues of Vietnamese politics and to put our policy into the framework of a worldwide anti-Communist design. Yet that shift does not allow us to escape the confrontation with Vietnamese nationalism, which is fatal to that argument, too. It is the polycentric nature of modern Communism, as it reveals itself in the extremely peculiar conditions of Vietnam, that defeats the argument.

The interests and policies of China, the Viet Cong and the government of North Vietnam are not identical, although they all embrace Communism. North Vietnam seeks the unification of Vietnam under its own auspices; among the Viet Cong, there are strong anti-Northern tendencies; and China wants to reduce all of Vietnam to the position of a satellite. If we want to contain the Communism of the North, we might want to strengthen the Viet Cong's tendencies toward autonomy. If we want to contain the Communism of the Viet Cong, we thereby weaken one element which could have contained the Communism of the North. And by weakening either, we of course weaken the nationalistic barrier which Vietnamese nationalism interposes against the expansion of Chinese power. Thus a doctrinaire anti-Communism makes a rational foreign policy altogether impossible.

Finally, there is the argument that our prestige requires us to stay in Vietnam. It is really the decisive argument upon which our policy stands or falls. It is implicit in all the others that have been advanced—commitment, defense of freedom, opposition to aggression, containment—and it has a measure of merit. Our prestige is indeed engaged in Vietnam. However unwise it might have been to engage it and, more particularly, to escalate that engagement drastically in word and deed, the engagement of our prestige is an undeniable fact. We have committed our power, our resolution, and our wisdom to an outcome of the struggle in Vietnam favorable to the interests of the people of South Vietnam, as we see them, and to our own.

However, this threefold commitment of our prestige shows a fatal flaw. Nobody at home or abroad doubts our power to destroy the Viet Cong, be it even through genocide. Nor can anybody doubt our resolution to do so if this were to serve the interests at stake. What many Americans and an overwhelming majority of foreigners doubt is our wisdom in engaging our power and resolution in behalf of patently fictitious assumptions. Is our prestige better served by proving again and again what requires no further proof: that we have power and resolution, or by correcting policies which so many disinterested observers regard as being politically unwise, militarily unprofitable and morally dubious? Is it really a boon to the prestige of the most powerful nation on earth to be bogged down in a war which it is neither able to win nor can afford to lose? This is the real issue which is presented by the argument of prestige.

The rational resolution of that issue is rendered difficult by two factors. On the one hand, it requires the admission that the nation's policies have been mistaken and have fallen short of their goals. On the other hand, it requires the admission that the nation's policymakers have been mistaken and have fallen short of their tasks. Thus the prestige of the nation is inextricably intertwined with the personal prestige of the policy-makers. Certainly this nation is great and successful enough for its prestige to survive the admission of a misadventure. But those who govern us do not seem to think so; for they are lacking in that measure of confidence in themselves, of inner strength, nay, of greatness which will give a government the courage to step before the nation and the world and say, we have been mistaken. In the short run, the continuation of bankrupt policies, concealed by fictitious assumptions about the real world, promises an easy way out. In the long run, no government can escape the consequences of its mistakes, and the longer it persists in them, the greater will be the loss both to the substance of the national interest and to national and personal prestige.

The arguments in favor of our staying in Vietnam, then, do not bear objective scrutiny. This has always been so. What is new in the present situation is the opportunity it provides to disengage ourselves honorably and with a minimum loss of prestige from a profitless and risky misadventure. According to present plans, there are supposed soon to be elections in South Vietnam. These elections, if they are held at all, are not going to be representative or "free." First, elections can only be held in that part of Vietnam, comprising at best half of the population, which is firmly under the control of the military. Second, the Viet Cong will not be allowed to participate. Third, since the advocacy of a negotiated settlement is a criminal offense in South Vietnam, one very important segment of opinion will have no legitimate outlet. Finally, Vietnam has no real tradition of fair nationwide elections on national issues. Thus the government that administers the elections is likely to win them. It is in our interest to see to it that elections are actually held, and that through them political elements will come to the fore which will seek to liquidate the war through a negotiated settlement. To that end, we ought to work for the establishment of a broadly-based coalition government in which war-weary elements of the South Vietnamese population would have a decisive voice.

These political elements conceive of the issue of the war in different terms from ours. While for us the issue is between Communism and freedom, the South Vietnamese, insofar as they are anti-Communist, see it as a contest between a tyranny which at least can boast to have liberated the country from foreign domination, and a succession of tyrannies considered the tool of yet another foreign domination. These Vietnamese tend to equate the Communists and the Americans, and they would like to get rid of the latter while being confident of being able to fend off the former. Tri Quang's statement quoted above is a faithful expression of that position. We may consider this position to be utterly mistaken and contrary to the best interests of the people of South Vietnam as we see them, but if we are not prepared to impose our conception of their interests upon them by seeing to it that they be rather dead than red, we must accept it as the point of departure for a new American policy of disengagement.

LEAVING IT TO THE VIETNAMESE

The implementation of such a policy would be subordinated to the policies of the government of South Vietnam. We would refrain from imposing our conception of our commitments upon such a government and would leave it to them to interpret it. While the ultimate goal of such a policy would be the phased withdrawal of American forces, they would remain during the period of negotiations as a bargaining counter on behalf of the government of South Vietnam. This political purpose would be served by the continuing American occupation of the cities and coastal bases, which are today the mainstay of American military power in South Vietnam.

The "enclave" policy which I advocated in the Milwaukee Journal of June 27, 1965, and with which more recently Generals James M. Gavin and Matthew B. Ridgway and others have been identified, here finds a new and productive political purpose. This policy would amount to the temporary acceptance on our part of the existing de facto division of South Vietnam into the territory controlled by the Viet Cong and by the South Vietnamese military. It would imply the cessation of search-and-destroy forays and of air attacks and the maintenance of the status quo in the cities and the military bases presently under anti-Viet Cong control. Since such an arrangement would be intended to last only for the duration of negotiations, it could be expected, and might even be stipulated, that the Viet Cong would abstain from attacks upon, and acts of sabotage within, these enclaves.

We had the opportunity to embark upon such a policy last June when some prominent members of the Quat government tried to move toward a negotiated settlement. It was exactly because of this that the Administration allowed that government to be overthrown by General Ky. Is the Administration readier now to grasp that opportunity, especially after two assumptions upon which our present policy is based have been revealed as fictions? It would be rash to give a positive answer to that question.

There have always been government officials of fairly high position who were in favor of such a policy, and many common citizens, journalists and even hawkish senators, under the impact of recent events, have come to see reality at least partially in its true light. Yet the spokesmen of our government, as by conditioned reflex, endeavor to close the holes in the wall of myths with new fictions in order to keep an unwelcome reality out. One spokesman has dismissed the political disintegration of South Vietnam as "growing pains." Another has welcomed the upsurge of anti-Americanism as a healthy sign of nationalism. In contrast, and in the face of all the evidence to the contrary, a third one has discovered that the recent political turmoil in South Vietnam contained "only a very small overlay of anti-Americanism" and basically was "about the kind of government that can most efficiently carry on the war." These inanities are shown up for what they are by a Saigon dispatch of Charles Mohr in *The New York Times* of April 21, quoting an official source to the effect that, "There is a very real war-weariness in this country and the Buddhists represent it politically. I don't think there is any doubt that they will try to find ways to end the war."

The melancholy conclusion is inescapable that governments, like men in general, if they are capable of learning at all, learn from experience rather than from rational arguments. A blister burned on a child's finger is more persuasive than parental warnings. Perhaps we have not yet suffered enough for the lessons of Vietnam to sink in. Thus men must die, women must weep, what nature has provided and man has wrought must be destroyed, because governments, blinded by prejudice and paralyzed by pride, learn too slowly for the good of the governed.

Mr. McGOVERN. Mr. President, one of the best informed observers of the Vietnam conflict is the distinguished columnist Joseph Kraft. Mr. Kraft writes from a rich historical background combined with close, informed observation of the political and military struggles of Saigon. His column in the May 18, 1966, issue of the Washington Post should be read by every Member of Congress and the officials of our Government. I ask unanimous consent that this important article, together with James Reston's column of the same date in the New York Times, Walter Lippmann's columns of May 17 and May 19 in the Washington Post, and Emmet John

Hughes' article in Newsweek, May 30, 1966, 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 Washington Post, May 18, 1966]

INSIGHT AND OUTLOOK: DEGRINGOLADE

(By Joseph Kraft)

Degringolade is a French word meaning how everything slowly came apart. It is the only word I know that adequately indicates what has been set in motion by the events of last weekend in South Vietnam. For the military seizure of Danang is an episode so many-sided in its potential dangers that the perils have to be counted in order to be realized.

The first danger is the reinforcement of the regime of Air Vice Marshal Nguyen Cao Ky. But the Ky regime is unfit to govern South Vietnam, or any other country. As now organized, it is not suited even to fight a war. It has little capacity to clear and hold territory in the wake of American military successes, still less to provide security and social services.

Most of the leading generals in the regime—particularly the regional, or corps, commanders—are quite simply racketeers, selling off jobs, contracts, real estate, supplies and anything else that comes under their control. Marshal Ky, though evidently honest, is a hot-headed young pilot. The immediate seat of all the recent trouble seems to be a kind of temper tantrum last March that led him to sack the former corps commander at Danang.

Secondly, there is the probable alienation, not only of the militant Buddhists but of virtually the whole elite of the central coastal plain stretching from Hue to within a few hours of Saigon. Though cool to the Saigon government and suspicious of all foreigners, including Americans, the center has at all times represented a distinctly nationalistic strain.

Probably the best way to repel communism in Vietnam is to mobilize the xenophobic nationalism of the center. But now the center is under the gun of the government. It will be a very lucky thing if the center, and in particular the militant Buddhists, do not commence private negotiations with the Communists. It will not be the first time that militaristic efforts to repeal communism by force have driven local nationalists into the arms of the Communists.

Thirdly, the avenue for moving from military to civilian rule has not been blocked. Even if some kind of elections are held, nobody can have any faith in their honesty or seriousness. General Ky has already indicated that he intends to rule no matter what the result of the poll.

Lastly, the other side can only be further convinced of the utility of keeping up the fight. The only true possibility of heading off the insurgency is to divert its support to a genuinely nationalistic regime—a regime that might have emerged from free elections. But against a regime that is as inherently weak and unstable as the Ky regime, the Communists are bound to keep up the pressure.

The American role in all this is murky. But it is certainly no good pleading that the United States was caught by surprise. Virtually everybody in South Vietnam knew for weeks that some such move was in the offing. On April 27, this column, written from Saigon under the title "Coups and Counter Coups" suggested the possibility of a move by Marshal Ky "aimed at preserving the present military crowd in power."

The truth of the matter is that in the face of this plain menance the American response was uncertain and weak. Ambassador Henry Cabot Lodge never made it clear that the United States absolutely insisted on free elections without any advance military horseplay. When Ky first said that he would stay in power for another year, Secretary of State Dean Rusk said only that he must have been misinterpreted. No effort seems to have been made to forestall Ky's airlift to Danang by putting a tight check on fuel supplies. On the contrary, all signs indicate that American officials, by turning a blind eye and deaf ear, actually encouraged Marshal Ky to move to Danang.

Perhaps Rusk and Lodge have some clear program for South Vietnam. But to me, anyway, that is not the way it looks. To me, it is not clear that they know what they are doing. And maybe that is why, at every juncture, President Johnson finds that his only choice is to send in more troops and step up the bombing.

[From the New York Times, May 18, 1966]

WASHINGTON: THE EVADED MORAL QUESTION IN VIETNAM

(By James Reston)

WASHINGTON, May 17.—President Johnson has been confronted for some time with a moral question in Vietnam, but he keeps evading it. The question is this: What justifies more and more killing in Vietnam when the President's own conditions for an effective war effort—a government that can govern and fight in Saigon—are not met?

By his own definition, this struggle cannot succeed without a regime that commands the respect of the South Vietnamese people and a Vietnamese army that can pacify the country. Yet though the fighting qualities of the South Vietnamese are now being demonstrated more and more against one another, the President's orders are sending more and more Americans into the battle to replace the Vietnamese who are fighting among themselves.

THE TWO OPTIONS

Ever since the start of this latest political crisis in Saigon, the President has had before him two courses of action. The first was to make clear to all the contending South Vietnamese leaders that the United States was going to limit its reinforcements, its military and economic aid, its casualties, and its military operations to the minimum until they had composed their differences.

The objective of this course was to try to produce unity, and failing that, to provide time for a basic reappraisal of the American commitment.

The second course was to appeal to everybody to get together and meanwhile to keep the war going as best we could with the American forces. President Johnson chose the second course. He is appealing and fighting, though he has even less reason to believe in the formation of a stable government now than he had at the beginning of the crisis.

WHAT JUSTIFICATION?

Justifying this historically, and particularly, justifying it personally to families of the casualties in the coming monsoon offensive will not be easy. If there were a reasonable expectation of political stability, the thing might be done, but lacking that, it is hard to see why the President rejected the course of a defensive pause.

The latest review of the war here with Ambassador Henry Cabot Lodge did not deal primarily with fundamental policy, but with operations. It did not focus on where we now stand or where we mean to go from here, but on what to do about the inflation and the shipping in Saigon, and the tactical problems in Danang and Hue, and how to pump a little more sawdust into the ruling generals in the capital.

There is little reason to believe that President Johnson's latest "appeal" to the Buddhist leader, Thich Tri Quang, will have any more effect than the other innumerable appeals that have been made to that militant monk by other Americans in the last few weeks.

He is clearly not thinking much about putting aside "the lesser issues in order to get on with the great national tasks." He is summoning his followers to new demonstrations against the military junta in Saigon and the generals in the Government are moving troops of the Seventh Infantry Division out of the operations against the Communists to deal with the expected rioting in the capital.

Plenty of appeals have been made by President Johnson among others, to General Ky, to "compose his differences" with the Buddhists and get on with the formation of a civilian government, but his answer to that was first to increase his military power by kicking out his rival general in the First Corps area, and lately sending his marines to Danang and bringing the country to the verge of civil war.

It may be that, in the face of all this petty and provocative folly, President Johnson is playing a waiting game and being more clever than anybody here can see. What he will do if his latest appeal to Tri Quang is ignored and followed by more chaos in the streets remains to be seen.

WHAT COMMITMENTS?

At one point, however, if the present trend continues, there will have to be a new definition of all the commitments that have been given. Our commitment to Saigon originally rested on Saigon's commitment to fight and govern, neither of which it is now doing effectively. The President's commitments in this war involve not only a handful of generals who seized power, but involve the Vietnamese people and the American people as well.

Our commitment was to a "legitimate government" and what we now have in Saigon is neither "legitimate" nor a "government." Our commitment was to help them win the war not to replace them on the battlefield. Our arms were provided to fight the aggressors and not to start a civil war. Our promise was to help South Vietnam, not to destroy it.

[From the Washington Post, May 17, 1966]

TODAY AND TOMORROW: THE OBLIGATIONS OF POWER

(By Walter Lippmann)

In a carefully prepared address at Princeton University the President said last week that "the issue for this generation . . . has to do with the obligations of power in the world for a society that strives despite its worst flaws always to be just, fair, and human." This is indeed the issue for this generation of Americans. What are our obligations in the exercise of the great power which we possess? This is the question which is troubling our people deeply and is dividing them dangerously.

The oldest and the first American answer to the question is in the Declaration of Independence, that power may be used only with "a decent respect to the opinions of mankind." This is the original American commitment, not to use force without taking into account the opinions of others. This fundamental commitment against the unilateral use of force in human affairs has been, in the American view, the prime obligation of power.

This has been the American idea from the beginning, and in the course of time it has evolved into a fundamental belief that the use of power must be brought under the reign of law. In this century the conviction has expressed itself in American support of the principle of collective security, as represented by the League of Nations, and then

by the United Nations and by the regional agreements for the maintenance of peace.

From this, the fundamental obligation of power that it should not be exercised unilaterally, President Johnson has departed conspicuously. Though his intentions have been honorable, though his purposes have no doubt been good, the fact of the matter is that he has used military force more than once—in Santo Domingo, in the Stanleyville intervention, and in Vietnam without asking advice or seeking the consent of our allies all over the globe. He did not go before the United Nations for a verdict as to whether there was an aggression in South Vietnam. He did not consult, as the Treaty stipulates, the other members of the Southeast Asia Treaty Organization, he did not seek the advice and approval of the Organization of American States before going into Santo Domingo. His conduct of foreign relations has been willful, personal, arbitrary, self opinionated, and the fact is that he has won no important support for the Vietnamese war and that all the great states of Asia and Europe are absent from Vietnam, are anxious and suspicious.

The president and his apologists have persuaded themselves that the war in Vietnam is a continuation of and is legally and morally and strategically the same as, the resistance to the Kaiser, the resistance to Hitler, the resistance to Stalin, the resistance in Korea. They are mistaken. The conduct of American foreign policy since President Johnson was inaugurated in 1965 marks a radical break with the past. President Truman did not intervene in Korea on his own decision; he intervened after he had received the approval and support of the United Nations. This was no mere legal and moral facade. The proof is that the war was fought with the support of seventeen nations. In neither of the world wars of this century did the United States intervene alone or fight alone.

The President said at Princeton that "unlike nations in the past with vast power at their disposal, the United States has never sought to crush the autonomy of her neighbors." Someone should explain to the President that a remark like that, showing that vast power is combined with perfect self approval, grates badly on the nerves of many people at home and abroad.

It is "the taking of too much upon one's self as one's right" which, as the Oxford English Dictionary says, is what "arrogance" is.

[From the Washington Post, May 19, 1966.]

TODAY AND TOMORROW: THE ECONOMIC CONSEQUENCES OF THE WAR

(By Walter Lippmann)

It is not easy to know what to think about the economic issues which are now before the country. Thus the President's closest official economic advisers have been surprised by the boom since they published their estimates in January. One of the members of the Council of Economic Advisers, Mr. Arthur Okun, explained in a speech made last week why the Advisers find it difficult to forecast the course of the economy: "The most important message bearing on economic policy is that *the uncertainties in the defense area have not yet been resolved.*" The central uncertainty is how big a military buildup there is to be in Vietnam in the calculable future.

Because of this uncertainty the current discussion about inflation, how serious it is and how bad it may become and what to do about it, is carried on in the dark. The fact of the matter is that the buildup which is now taking place, and is unofficially estimated to reach 400 thousand men by December, is not reflected in the budget of 1967, the budget under which the Government will operate for a year from this July. We know that the budget places a figure of 4.6 billion on "special Vietnam costs" for the year ending this June 30, and 10.3 billion for the year which begins July 1.

But these figures are misleading. For until recently the buildup has been carried on chiefly by drawing upon the accumulated stocks of materials and trained manpower. This way of conducting the war, which has been done so ably by Secretary McNamara, is ceasing to be possible because the stocks have been drawn down as far as is prudent.

Now, to draw upon stocks which have already been paid for does not require expenditures which show up in the appropriations for the budget. But to replenish the stocks does require new appropriations for expenditure. Therefore, in the period which we have now entered, the military buildup will become more visible in a steep rise of expenditures.

The only available estimate of what this is likely to mean is to be found in a cost accounting, made by unofficial economists, which is published in Fortune magazine for April. This article has all the earmarks of expertness and conservatism, and it comes to the conclusion that the war at its present level is actually costing 13 billions, and that at the level of 400 thousand men the war will cost at an annual rate of 21 billions. Since the 400 thousand level will not be reached until December, the cost of the war for fiscal 1967 is reckoned by Fortune magazine at 19.3 billion.

This steeply rising rate of expenditure will, through what the New Economists call the "multipliers," result in a great increase of the demand for goods and services. This will mean inflation unless total demand is reduced by taxation.

On the question of what to do about the developing inflation, the Administration has thus far refused to heed the advice of its own economists, of men like Dr. Heller, who are the architects of the Kennedy-Johnson prosperity. Though these economists are urging the President to ask for the standby legislative authority to levy higher taxes which would yield an additional $5 billion of revenue, the Administration is refusing to say no and is refusing to say yes to the economists, hoping that somehow something will happen to make it unnecessary to increase taxes in an election year.

In its resistance to a tax increase, the political judgment of the Administration has popular support. Recent polls show that while there is widespread popular discontent with the inflation which is already underway, only about 1 in 5 of the people is in favor of raising taxes.

As the war increases the inflationary demand, if the Government will not curb the demand by direct taxes, there is left, as in all our other wars, the attempt to freeze prices and wages by exhortation, guidelines, and administrative controls. These are an effort not to let the excessive demand operate against the inadequate supply of goods. It worked pretty well during the Second World War: there were no great black markets, the people did save and did buy bonds. It was only when the war was over, when the patriotic emotion was no longer controlling; that the pent-up inflation burst upon us.

The Administration may prefer to repeat the policy of the Second World War. There will, however, be one ingredient of that policy which will be lacking, the great popular patriotic sentiment which responded to the Japanese attack on Pearl Harbor and to Hitler's conquest of western Europe. The American intervention in South Vietnam is the most unpopular war within the memory of living Americans, and it will not be easy, therefore, to suppress by patriotic exhortations the visible effects of the underlying inflation.

[From Newsweek, May 30, 1966]

EMMET JOHN HUGHES ON A VIEW OF VIETNAM

I had been in Saigon but a few hours when an American friend told me a trivial incident shared a day earlier with an American officer. The two men had been idly strolling a quiet street near the city's center when the restless eye of the officer caught half-sight of a flashing arm, a few yards off to his side, and then an ominous missile hurtling toward them. He spun swiftly and poised his hands to try to catch the grenade and throw it a safe distance. It flew past him, softly struck a wall, and neatly bounced back to the Vietnamese youth who had thrown it. It was a dirty but innocent rubber ball. As the youth snared it, he smiled with knowing bemusement, then skipped down the street whistling softly, glancing back, and grinning enigmatically. And the Americans were left to blink in wonder over the meaning of his mirth: was he a carefree youth harmlessly laughing at the Americans' alarm, or a sullen Saigonese spitefully tricking them into panic? They would never know. And when I left Vietnam a week later to continue a journey through Asia and Europe, I could not help feeling that this most unhistoric incident somehow captured—more eloquently than all the military briefings and embassy conferences—the troubled spirit of the American presence, for all its awesome armor . . . its hazy elusiveness of purpose and its uneasy vision of the future.

I never left Vietnam, in the political sense, on all my travel around the world, for the conflict in Southeast Asia excites the concern of all capitols and foreign offices, from Manila to Singapore to Paris and London. And with absolute unanimity, all ministers and diplomats—Asian or European, leftist or rightist—privately voiced a few unvarying sentiments. All regretted the extent of U.S. involvement in Vietnam. All spoke, however, with no hint of conventional anti-Americanism: they simply voiced grave sorrow over the American dilemma. All yearned for diplomatic negotiation and U.S. withdrawal, on politically decent terms. All insisted that such terms would have to accept a major Communist role in South Vietnam's politics. And all deeply feared that both Hanoi and Peking would spurn any negotiation for the foreseeable future. As one of the highest officials in the British Foreign Office stated the matter: "To the cool eye of Peking, you have been led to commit 300,000 men to a struggle that costs China exactly nothing. If you were Peking, why would you negotiate?"

Throughout Southeast Asia, there await ready retorts to an American's common question: why is not the grim continuance of the war blamed more upon Communist obstinacy than American militancy? In the first place, there recurs a refusal to equate the military interventions of Hanoi and of Washington. As one quite pro-Western statesman insisted to me: "The two actions look to us very different. They are not just Asian: they are Vietnamese. And you cannot contend that the military behavior of one half of a small country toward its other half resembles closely the intervention, from 10,000 miles away, of the world's greatest military power." And in the second place, there prevails a general skepticism about U.S. promises to accept a neutralist Vietnam. As one Foreign Minister argued: "Your ambassadors and your generals keep saying that you are waging war in the holy name of 'anti-Communism.' Yet Washington keeps saying it will gladly negotiate with the Communists and accept their popular election to a Saigon government. It is hard to understand how you can sincerely hold both views. In fact, it is hard to know just what your government imagines is going to be won out of all this."

It is no easier to know the answer after an intensive look at the Vietnam scene itself.

It is a scene of almost stunning disproportions and incongruities. "Your military expansion in a country of less than 15 million," a Saigon editor wryly remarked to me, "may mean that we have witnessed right here, this last year, the most sudden population explosion in the world." The size of U.S. forces is no more striking, moreover, than their élan: from the gifted Gen. William Westmoreland down, they display poise and verve. And yet this, too, seems to have its anomalous aspect. During a full day of helicopter-hopping with Westmoreland to a string of isolated Special Forces outposts near the Cambodian border, I found one memorable instant singularly sad. It came in the form of the happy retort of the local commanding officer in the green beret, after Westmoreland had asked for any proof of Viet Cong weakness in the area: "Oh, yes, sir. In recent months, we had one villager inform on Viet Cong movements. And we welcomed one deserter: a 17-year-old girl. Sir, these are encouraging signs."

It is a scene clouded, too, with all the contradictions and confusions of judgment that often have baffled the U.S. public. In Saigon, the private forecasts of U.S. diplomats and U.S. generals concur perfectly on only one point: the public forecasts on Vietnam by Washington have been absurdly optimistic. But the authoritative witnesses agree on very little else. There is no more informed U.S. diplomat in Saigon than the man who assured me one day: "We have taken the military bounce out of the Viet Cong, and one more year will dramatically reduce our casualty lists." But there is no more informed U.S. general in Saigon than the realist who warned me the next day: "There is no significant turning in sight. Probably, the planned rate of Vietnam recruitment will have to be cut back: we have asked too much of them. Certainly, the American casualty rate will stay near the same ratio for a long time: the larger the forces, the more the casualties." And all informed guesses as to when a kind of success might crown the vast American effort fall in a sweeping time span: somewhere between five years and one generation hence.

And it is a scene that quickly betrays some critical deceptions attempted by some U.S. policymakers and their propagandists. To be specific . . .

It is not possible to respect a regime under Premier Nguyen Cao Ky as concerned with democracy or competent to govern. The Premier is immature and shallow, vastly pretentious and wildly mercurial. I found him thus, throughout one of his three-hour monologues, and any responsible American in Saigon knows him to be thus. Asked to contemplate a negotiated peace with Hanoi—at *any* time or on *any* terms—he has a flat and final way of scorning the notion: "I would rather go out and shoot myself." As for political enemies within his own borders, he views them with a giddy contempt, and he enjoys intoning a rather lethal kind of litany: "If I wish, I could destroy them all." As for U.S. politicians and U.S. publicists who have hailed Ky as a serious hope for Vietnam's future—after the tinsel drama of the Honolulu conference—they have much to answer for.

It is no more believable for the U.S. to pretend that its Vietnam policy faithfully follows the free will of the people than to pretend that its Communist foes are mere "bandits" surviving solely by "terror." Despite their public pieties, the U.S. Embassy and the U.S. military privately dread the prospect of national elections. The fear is not quixotic: who can guess how a people so scarred by war, and so impoverished in leadership, will practice sovereignty? Throughout this spring's political crisis, therefore, the U.S. pressed Ky hard to put down the Buddhists and to put off the elections. Now the next American hope rests on a grudging constitutional formula: an assembly indirectly elected, only the President chosen by popular vote and the President empowered to rule in any crisis by emergency decree.

It is utterly untrue to blame the country's political ferment on the cryptic politics or ambitions of a cabal of Buddhist monks. As falsehood always begets falsehood, this fiction is essentially the invention of those U.S. propagandists who must explain away their earlier fabrication, namely: a South Vietnam that had "turned the corner" in military security and political progress. The Buddhist protesters did not wantonly wreck this political Camelot: it never existed. And the agitations of Buddhists or students or workers are most plainly symptoms, not causes, of a half-nation in half-agony. Nor are the causes mysterious or malevolent. There has to be some war fatigue in the people. There has to be some resentment of the economic shocks caused by a foreign army of a quarter-million men. And there has to be a nagging awareness and a wearying regret—among the urban educated as well as the rural illiterate—that their present war and their future destiny no longer seem *theirs* for the waging or the winning. As one Saigon professor gently asked me: "Do you realize how long it has been since *we* made a major decision about war or peace? And if I just meekly ask you where *you* are taking *us*—can you tell me?"

I could not.

The riddle must bring at least some anguish to all caught in it. And it seems rooted in a strange anomaly. For sometimes a great modern nation has been chastised for allowing its undaring politicians to disparage or to deter the power of its undaunted military; so it was said of France in its own Vietnam struggle. But it has remained for the United States to contrive the contrary blunder; to credit its military power with a gift for the most elaborate political achievement—the making of a new and free nation.

This stays—as it has always appeared—the fatal flaw. It is a debatable theory that the Vietnam conflict has perilously overextended U.S. power *militarily*, for some U.S. presence presumably could stay impregnable for decades. But it is a demonstrable fact that U.S. policy has overextended itself with reckless extravagance *politically*. This involvement is wholly without precedent in American policy. It bars no analogy at all to the defense of Germany or Korea or Greece. For the American undertaking here—and here alone—implies an intent profoundly different from defending free nationhood and repelling aggression. Behind the military shield, it means educating a whole people to govern themselves when they have never done so. It means discovering a corps of democratic leaders where it has never existed. It means writing laws and combating poverty. It means inventing new political institutions and fostering new political parties. And far from the simple defense of free nationhood, it means arousing a sturdy sense of nationality in a people who have never been a nation.

Such a nearly delirious design would require, among many remarkable things, one luxury above all; a vast amount of time. But time is running out in Vietnam. The five years—or the generation—coveted by U.S. planners cannot be wrested from the turbulent politics or the tired people. The people's clamor, always confused and often querulous, yet carries a simple appeal; if not pacification, at least participation. But the harshly ironic truth is that the self-government of Vietnam, so revered in official American oratory, only carries menace to official American policy. For must not the deepest impulses of any Vietnamese civilian assembly soon prove to be a collective desire to show independence of the Americans and a competitive desire to appear the man or the faction most ingenious in talking the foe toward peace? Just two days before Premier Ky agreed to hold elections, I asked this question of a most authoritative spokesman for U.S. policy in Saigon. And he answered bluntly: *"If any elected assembly sits in Saigon it will be on the phone negotiating with Hanoi within one week."*

The choices that now are left to the United States would appear almost tormenting.

They suggest, both politically, and militarily, a set of self-locking dilemmas. If national elections are stifled, the U.S. presence must shelter behind a succession of sometimes servile, sometimes surly, military regimes. If national elections are free, the U.S. presence—while by no means sure to be instantly denounced—nonetheless instantly becomes the creature of the vagaries of Saigonese politics. If U.S. military progress stalls, Hanoi or Peking need only relax and rejoice. If U.S. military progress quickens, Hanoi or Peking need only hint a desire to negotiate with Saigon or Washington—with the sure knowledge that the hint would suffice to set each capital at odds with itself and with the other.

All the bleak choices rather inexorably dissolve, however, toward one. As a wise and sympathetic statesman of Southeast Asia stated to me: "You are going to leave Vietnam. You are not going to be routed or humiliated: your armadas and your bombers make you the greatest power even in the South Pacific. But you are going to leave because the earth-bound politics of Vietnam cannot be solved by the airborne cavalry of America.

"You now have probably a last decision to make. You may try to smother all forces in Vietnam seeking compromise and peace—thus pitting them all against you. Or you may try to work with the best of these forces in their confused attempts at negotiation, so that the very imperfect end of it all still will allow you to leave with dignity. Your last choice, then, is clear: either you will one day withdraw because you shrewdly appear to want to—or because it plainly appears you have to. Is this really so hard a choice?"

It may not seem a hard choice in abstract logic, but it is a stern choice in American politics. It would require of Washington almost a convulsion of candor and a revolution in courage. This means the courage to concede, after all, that the present hope of history for Vietnam has never been more, in truth, than a nation dealing with Peking much as Poland duels with Moscow. It means the resolve to ignore all zealots who still shout their preposterous prescription that a little more military medicine can cure political sickness. And it means the wisdom to sense that American repute in Asia is not dignified but diminished by untiring war for the unattainable victory . . . and American honor is not tarnished but brightened when so great a power can say, with quiet assurance: we have judged poorly, fought splendidly, and survive confidently.

I can think of no other way that the leaders of the United States might match the courage of the soldiers they have dispatched.

Mr. McGOVERN. Mr. President, I also ask unanimous consent that articles by I. F. Stone and Walter Lippmann appearing in the May 25, 1966 Minneapolis Tribune; an excellent article by Joseph C. Harsch which appeared in the Christian Science Monitor just before the recent bombing of Hanoi and Haiphong; and an article by former Vietnamese Ambassador to the United States Tran Van

Dinh appearing in the July 2, 1966 issue of the New Republic 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 Minneapolis Tribune, May 25, 1966]

THE REAL RISK IN VIET NAM

(From I. F. Stone's Weekly)

WASHINGTON.—A U.S. embassy official in Saigon said to me, "Nobody can come out here with an open mind and not have it changed by what he sees."

Since most VIPs see only U.S. officials, it is not surprising that their minds are changed in the desired direction. Perhaps mine is closed. Though I listened as sympathetically as I could to officials of quite different views, I must confess that I heard nothing to change it.

On the contrary, it seemed to me that the same exercise in self-delusion so many newspapermen have observed in the past was still going on. I cite as example a remark which offers a clue to the current crisis in Hue and Da Nang. At one of the first backgrounders I attended in Saigon I was startled to hear a briefing officer dismiss the Buddhist student demonstrations. "The students," he said, "don't represent anything."

I thought the remark all the more disturbing because it came from an official who has a reputation for intelligence and candor. It may well be that if you could run the whole population of Saigon through a computer it would turn out that few had ever heard of the student protests.

Conceivably you might also find that they expressed the most widespread feelings in the country—weariness with the war and antagonism to the presence of so many foreign troops. To dismiss the Buddhist students seemed foolish to me.

Students tend to be the most concerned and vocal group in every society. They are the men and women who will soon be governing the country. To decide that they represent nobody is a comforting way to dismiss protest, but a sure way to miscalculate political forces.

Admittedly there are students of varying opinion in Saigon: pro-war students and anti-war students, anti-election students, and pro-election students, Catholic students and Buddhist students. It is only the latter that the briefing officer was downgrading.

These tranquilizing rationalizations become the premises of policy. Ever since the Buddhist demonstrations were sparked by the removal of General Thi, there has been a disposition in the U.S. embassy not only to dismiss the demonstrators as "just a bunch of Buddhist beatniks" but also to hope the military would disperse them by force.

This is the historic delusion that revolutionary movements can be scattered with a whiff of gunpowder. There was disappointment that Ky did not put down the Saigon demonstrations by force and that he withdrew his troops from Da Nang in April after we flew them there for a confrontation with anti-government troops. From several sources I heard not only that Ky was being advised to precipitate a showdown in Da Nang but also that there were promises of U.S. funds to rebuild the city if his planes had to bomb out the rebels.

There was a strong current of disapproval when Ky backed down and promised elections instead. Ky's attack on Da Nang last week and the equivocal wait-and-see attitude of the White House seem to me quite consistent.

What the U.S. establishment fears is that once representative government is launched, it will be hard to control. What our military men desire is a secure base while they carry on the war; they want no disruptive experiments in democracy.

It is here that military needs conflict with political aims. To win the people you have to risk letting them express themselves, and that means risking a government which might negotiate peace.

[From the Minneapolis Tribune, May 25, 1966]

VIETNAM DISASTER PERCEIVED

(By Walter Lippmann)

WASHINGTON.—The hardest question facing us at the moment is whether or not the disintegration of the Saigon government and army can be stopped and reversed. The official position is, of course, that it can be.

But there is no prospect now visible that the South Vietnamese people and the South Vietnamese army can be united and rallied for the prosecution of the war. Unless this condition changes radically we shall increasingly be fighting alone in a country which has an army that is breaking up and a government which has little authority.

We must hope that the President and his strategic planners are prepared for such a development.

If the Saigon forces disintegrate, it will no longer be possible to continue the war on the theory that the mission of our troops is to smash the hard core of the enemy while the Saigon troops occupy and pacify the countryside.

What then? We shall be hearing from those whose first article of military faith is unlimited belief in airpower. They are arguing that the way to repair the breakdown in South Viet Nam is to bomb Haiphong and Hanoi in the North. The administration, we are told, knows the folly and the futility of that course.

Is there any real alternative to a holding strategy, sometimes called the enclave strategy, pending the negotiation of a truce and an agreement for our phased withdrawal from the Asian mainland? If the Vietnamese war cannot be won by the Air Force, if it cannot be won by American troops fighting alone in South Viet Nam, what other strategic option is there?

The only other option would be to make no new decisions and pursue the present course and hope that things are not so bad as they seem and that something better will turn up. The President is bound to be strongly tempted to take this line. The alternatives open to him are dangerous or inglorious and repulsive to his cautious but proud temperament.

A great head of government would have seized the nettle some time ago, as long ago as 1964, and would have disengaged gradually our military forces. But that would have taken a highmindedness and moral courage which are rare among the rulers of men. For rulers of men nearly always will do almost anything rather than admit that they have made a mistake.

Yet the moment of truth comes inexorably when a radical mistake has been made. The mistake in this case has been to order American troops to fight an impossible war in an impossible environment. The American troops, which may soon number 400,000 men, are committed to an unattainable objective—a free pro-American South Viet Nam. They are commanded to achieve this on a continent where they have no important allies and where their enemies have inexhaustible numbers.

[From the Christian Science Monitor]

ON MORE BOMBINGS

(By Joseph C. Harsch)

WASHINGTON.—Recent public opinion polls in the United States disclose a rising public impatience with the slow pace of victory in Vietnam. It is said that majority opinion now favors more bombing of North Vietnam.

The theory, presumably, is that by bombing around Haiphong and perhaps even Hanoi itself the North Vietnam government and people might be induced to give up their effort to sustain the Viet Cong in South Vietnam.

It is possible that the bombing of Haiphong and the mining of the harbor might reduce the amount of men and supplies moving down the jungle trails from the north to the south. However, this is not certain. The net effect of the bombing to date has probably been to attract more aid to North Vietnam from other Communist countries than might otherwise have been sent. It has also given North Vietnam the benefit of the "sympathy for the underdog" emotion.

COMMON CONSENT

But even if some military advantage might be gained from spreading the bombing, there are still powerful reasons bearing on the President in Washington against such action.

The main reason against more bombing is that the moment the United States bombs Hanoi or attempts by bombs to cut Haiphong off from the outside world, the nature of the war will be profoundly changed.

At the present time a tacit understanding exists which is accepted by the Russians and the Chinese.

Under this present set of "local ground rules" governing the air war against North Vietnam the United States limits its bombing to road and rail lines and a few specific targets such as the power plant near Haiphong. These are targets which can be hit without risk of hitting large numbers of civilians. The hitting of them does manifestly put some restraint on the supply line to the south.

By common consent this kind of bombing is accepted as being a justifiable answer to the fact that men and supplies from North Vietnam are moving to South Vietnam. The United States is making war on the supply line to South Vietnam. Both Russia and China have agreed, by their behavior, that Washington is entitled to do this.

NEW STRAIN

But it is implicit in the "ground rules" that, if the United States "escalates" its purpose in North Vietnam, the rules would be changed.

For example, bombing Hanoi would be a totally different thing from bombing the road and rail lines from Hanoi to the south. Hanoi is a heavily populated capital city. Bombing it would be making war on a mass of people and a government. Both Moscow and Peking are formally allied to that government and profess interest in the welfare of the people.

The bombing done so far does not force Moscow and Peking to recognize their obligations as allies to Vietnam. But if the United States made war not just on the supply line but on the government and the people of North Vietnam, a new strain would be put on both Chinese and Russian restraint.

It is conceivable that the United States could bomb and invade North Vietnam and conquer the country and Russia would do no more than protest. It is inconceivable that China would allow any such development without strong reaction. And Russia might feel forced to join in.

CHANGING RULES

So long as the military measures against North Vietnam are aimed only at the supply system and not at the government or people, the war continues in its present and familiar pattern.

But any change in the ground rules is bound to lead to change in the response.

Those who favor bombing Hanoi and the port and harbor of Haiphong are really talking about widening the war to include China.

Changing ground rules in the middle of a war is quite as risky as changing horses in midstream. Which is why the President will not necessarily give in to the new pressures even if his popularity has hit new lows.

He is said to understand that getting from a small-size war in Vietnam into a major war with China, and perhaps Russia too, would not necessarily win the next election for the Democrats.

[From the New Republic, July 2, 1966]

ELECTIONS IN VIETNAM: PRELUDE TO AN HONORABLE SETTLEMENT?

(By Tran Van Dinh)

(NOTE.—*Tran Van Dinh was Chargé d' Affaires and Acting Ambassador of Vietnam to the United States in 1963. After representing his country in Argentina and India he resigned from the Vietnamese Foreign Service to live and work in Washington, D.C., as a journalist, author and lecturer. He was born in the imperial city of Hue in 1923 and fought against the Japanese and then the French, 1942–49, in the nationalist cause.*)

In retrospect, we can see that it was the Honolulu conference in February, which brought together President Johnson and the leaders of the Saigon government, which indirectly provoked the agreement between the military junta and the Buddhists for an election this September of a national assembly for South Vietnam. But it also encouraged General Nguyen Van Thien, the head of state, and General Nguyen Cao Ky, the prime minister, to consolidate their power. Assured of US support, the first logical step was for them to try to bring corps commanders under more direct control.

General Nguyen Chanh Thi, a Buddhist and potential rival of Ky, was dismissed March 10. Thi was the tough paratrooper officer who revolted unsuccessfully against President Ngo Dinh Diem in November, 1960; he had commanded the first tactical zone and the first corps, with civil and military jurisdiction over the Northern provinces and the main cities of Danang and Hue, the Buddhist strongholds. The Buddhists reacted to his dismissal with demonstrations, and extracted from the generals a promise for elections and formation of a civilian government. A subsequent statement by Ky on May 8 to the effect that he intended to remain in power set off more demonstrations; this time the Buddhists demanded Thieu's and Ky's resignations. Ky sent loyal marines to occupy Danang and Hue.

Nevertheless, all parties still agree on the need to hold elections for a national assembly by September 11. The recent threat by Thich (Venerable) Tri Quang, the militant Buddhist leader, to sabotage the elections should be interpreted as a tactical move to force the resignations of Thieu and Ky. The Ky government hopes to get an elected assembly of its choice by barring "neutralists" as well as "Communists" and by restricting the assembly's function to merely writing a constitution before adjourning. But President Johnson, in his speech on Memorial Day at Arlington Cemetery, said, "South Vietnam is moving toward a government that will increasingly reflect the true will of its people." Barring unexpected developments, I believe elections will be held sometime this year, though perhaps not in September; that the assembly that is elected will seek to end the war through negotiations; and that the Viet Cong will not refuse to negotiate.

Ambassador Henry Cabot Lodge said on April 1 that "the Vietnamese never had elections on a national basis and a national question and it's never happened in their whole history." He erred (see Bernard B. Fall's article in *The New Republic* of May 14, 1966), but he nonetheless reflected the thinking of people who suspect that elections will lead eventually to a negotiated settlement of the war. These "counterinsurgency" experts are confident the war can be won as it was in Greece, Malaya and the Philippines, where the insurgents lost support and just faded away. Ideally, "wars of national liberation" could be solved by social and economic reforms, by winning the hearts and minds of the people who then deny the "water" to the insurgent "fish." But in Vietnam this requires two things.

The first is localization of the war. Yugoslavia helped the Greek insurgents, but the United States Air Force did not bomb military installations, roads and bridges in Yugoslavia. The British did not bomb Thailand during the Malayan campaign, although the Malayan Communists had training and rest camps inside Thailand. British diplomacy worked out a reasonably effective agreement with Bangkok for the joint control of the Thai-Malayan border. The United States did not blockage Indonesia, although arms were smuggled from that country to the insurgent Huks in the Philippines. But after February, 1965, when the U.S. Air Force started bombing North Vietnam, the war was internationalized.

A relatively competent, honest, respected and stable leadership and a relatively coherent and efficient administrative structure in South Vietnam is the second necessary condition. These are clearly missing today, and extensive bombings in the South, the use of defoliants and chemicals, and growing direct participation in the war by American troops will not help create that structure.

A GOVERNMENT OF THE PEOPLE

Those who in their hearts oppose the coming elections and those who favor them both realize that they will bring about a new political climate and a more representative government. Until now, the "Front for the Liberation of the South" (usually called the Viet Cong) has claimed to be the "only representative" of the people in South Vietnam, a claim backed by North Vietnam. As long as the Saigon government remains in the hands of the military junta, which at best represents only the interests of senior officers who fought with the French colonial forces during the 1945–1954 war of independence, the Viet Cong's claim sounds valid to many Vietnamese. With the election of a national assembly which in turn chooses a civilian government, the Viet Cong's claim would be much weaker. By the same token, the United States would gain considerable moral and political ground, for it has been accused rightly or wrongly of having since 1963 helped "a military clique," instead of the Vietnamese people, who have had no way of expressing their acceptance or rejection of that help.

Only an unwarranted optimist could expect the coming elections to be totally free and to reflect faithfully the will of the people who are under the nominal control of Saigon. At the same time it is not unreasonable to assume that in an elected assembly the Buddhist group, alone or in coalition with others, will have a decisive voice. The Buddhist leadership believes that Buddhism is the only force outside the Viet Cong which has grass-roots appeal and which has sizable international support. The Reverend Tam Chau, chairman of the Institute for Secular Affairs, recently attended the World Buddhist meeting in Ceylon to develop and strengthen outside contacts, especially among neighboring Buddhist nations. The Buddhist leadership feels it can successfully compete with the Viet Cong on both national and international levels.

What are the basic aims of the Buddhists? They are: defense of Buddhism, anti-Communism, independence, peace and social revolution through the revival of authentic Vietnamese values and the reestablishment of national dignity. These aims are shared by the vast majority of the Vietnamese, especially those in the countryside who in the past 25 years have been caught tragically in the midst of cruel wars and betrayed revolutions. (There are Buddhist leaders, I should note, who are very dubious about anti-Communism. Thich Nhat Hanh, director of the School of Social Studies at the Van Hanh Buddhist University in Saigon, said on June 4 in Washington: ". . . I am afraid of identifying myself with the dollar-making people; anti-Communism has become a real business in the last 10 years in South Vietnam." Thich Nhat Hanh is touring the United States to plead for an end to the war.)

Buddhist leaders feel that American soldiers have brought with them a "materialistic culture," and that American dollars are corrupting Vietnamese society and Vietnamese culture based on Buddhist values of purity and austerity. Hundreds of bars in Saigon and other Vietnamese cities and a growing army of Vietnamese prostitutes are constant reminders of the threat to national dignity. Many Buddhists look back nostalgically to one of the most stable and most prosperous dynasties in Vietnamese history: the Ly dynasty (1010–1225). During this period, Buddhism became the state religion and the monks contributed greatly not only to the religious life of the nation but its cultural and literary life as well.

The Buddhist leaders believe that only through a social revolution based on Buddhist values can the Vietnamese people recover their lost national dignity and lost cultural values, without which it is not possible either to compete with the Viet Cong or build a decent Vietnamese nation. Without political independence and national dignity this war is meaningless and the anti-Communist issue becomes secondary.

But the present military leaders, who were humiliated during the Ngo Dinh Diem regime and who have tasted power and its material advantages, are trying to cling to power as long as possible.

Some believe the United States will never withdraw its forces from South Vietnam short of a total military victory, which, now that the war has been carried beyond the 17th parallel, can be achieved only by the defeat of the Viet Cong army in the South and the defeat of the North Vietnamese armed forces in the North. But, in my opinion, by that time the Chinese would have entered the war; there would be armed confrontation between the United States and China and with it the complete annihilation of the Vietnamese in both South and North. Already, with the kind of military strategy being pursued in the South, total military victory in the South means the South's destruction.

NEGOTIATION STEP BY STEP

I believe President Johnson and his Administration sincerely seek an honorable settlement of the war, one by which the United States will not be defeated either militarily or in its basic political aims. With the huge and efficient American military commitment in South Vietnam, the war has been "unlosable," militarily, since 1965. The leaders in Hanoi know that. In his interview with a British journalist, James Cameron, the prime minister of North Vietnam, Pham Van Dong, was quoted as saying, "We're not trying to vanquish the United States. There seems to be some preposterous belief in America that we are threatening them—a poverty-stricken little country like Vietnam threatening the most powerful nation on earth! We are trying to get rid of them. They're on our soil and we don't want them there. Let them go away and the war is over." In other words, Hanoi is not expecting a second Dien Bien Phu, in the military sense. The only Dien Bien Phu which seems possible in the long run would be a political and economic one. And this may happen, given a prolonged war conducted in its present conventional way,

and growing dissatisfaction among the Vietnamese masses. The United States, with its unlimited resources in money and men, perhaps could prevent it, but the logical result would be lengthy occupation by the US Army of South Vietnam. No Vietnamese and few Americans want that.

Hanoi's prime minister must be thinking of "getting rid of" the Americans by a political settlement, by negotiations. But who is to negotiate with whom? President Johnson's peace drive last Christmas was received coolly by Hanoi and the Viet Cong. On one hand, the U.S. will find it difficult if not impossible to enter into direct negotiations with the Viet Cong or with Hanoi, as that will surely meet with strong opposition from the Saigon government, either the present one or even a future civilian government. On the other hand, the Viet Cong and Hanoi could not possibly deal with the present military junta, which they say represents "no one." The only answer would be to create conditions under which the Vietnamese can negotiate among themselves, conditions under which an elected government in Saigon can enter into gradual contact with the Viet Cong. That is why only elections can pave the way for a negotiated peace.

Such negotiations, when they take place, will require a great deal of skill on both sides. When they do begin, the following steps can be predicted:

1. Taking advantage of the new political climate created by an elected national assembly which "recommends that the government look into the problems of war and peace and the American military commitment," the civilian government could challenge the Viet Cong to prove their repeated desire for peace. A localized cease-fire and exchange of prisoners of war could then be discussed by the military commander in one "tactical zone" with the commander on the opposite side. (It is significant that during the attacks on Danang by General Ky's marines, the Viet Cong proposed that the dissident anti-government forces join with them, keeping intact their units and their command.)

2. Based on the results in one "tactical zone," the same pattern could be adopted more easily and rapidly in other zones until a general cease-fire has been realized in all South Vietnam.

3. During the final phase of negotiations for a general cease-fire and an exchange of prisoners, the delegates of the Saigon government and of the Viet Cong would meet for preliminary talks in a neutral capital, say Rangoon. If they wished, both Hanoi and Washington could send observers to the meeting, but it would be wise for Washington not to insist on it. The capital of neutral Burma served in 1958–59 as the site for a conference between Thai and North Vietnam delegates to try to work out repatriation of Vietnamese refugees in the northeast of Thailand (repatriation was halted by the U.S. bombing of North Vietnam).

4. These preliminary talks would provide both sides with an opportunity to discuss the procedure for reconvening the Geneva Conference, the co-chairmen of which are the United Kingdom and Russia. There have been repeated promises by all parties concerned to accept such a conference. The United States role in a future Geneva Conference should be more decisive than it was in 1954. Also, in order to respect the political realities of the 1960's, it would be advisable to enlarge membership of the Conference to include, besides the original nations (United Kingdom, USSR, France, People's Republic of China, Laos, Cambodia, the United States, South Vietnam, North Vietnam), the Viet Cong, Thailand, South Korea, Australia, New Zealand and the Philippines, since all of them have been direct participants in the Vietnamese conflict. It is expected that the other side will insist on more representation friendly to them, so as to balance the composition of the conference. This should not be insurmountable.

5. Among the main problems a new Geneva Conference would discuss, the thorniest would be:

Formalization of the terms of the cease-fire and the exchange of prisoners;

Control and supervision of the armistice agreements by an international body;

Supervision by an international body of elections, first for the unified government of South Vietnam, later for reunification of Vietnam.

ENLARGED GENEVA CONFERENCE

The 1954 Geneva Agreements set up an International Control Commission—India (chairman), Canada and Poland—to supervise implementation of the armistice agreements and supervise elections for the unification of Vietnam. But within a few months it became clear that the Commission lacked "teeth." It had little logistical support; it was denied cooperation or even moral backing by both South and North Vietnam; and in later years, with the decline of the role of India in world affairs, it lost much of its initial prestige. It is remarkable, however, that even today, though the ICC has become totally ineffective as a result of the enlargement of the war, North Vietnamese authorities continue to protest to the Commission about "violations by the United States of the Geneva Agreements." This indicates that North Vietnam wishes to keep the machinery of the ICC in being, for future use. The new ICC should be enlarged to comprise—besides India, Canada and Poland—the United States, Russia, the People's Republic of China, Australia, one Asian neutral country (Burma), one Asian anti-Communist country (Thailand) and one Eastern European country (Rumania). The United States could volunteer to put at the disposal of the Commission the facilities at such bases at Cam Ranh, Danang, Vung Tau, Tan Son Nhut. These bases would also serve as centers for regrouping, protection and evacuation to countries of their choosing of persons who for personal reasons or political conviction refuse to accept the terms of the armistice agreements. The chairmanship of the Commission should be rotated every six months, in the alphabetical order of countries represented.

6. Regarding eventual withdrawal of American land forces, the pattern adopted in an agreement signed by President Ho Chi Minh and M. Sainteny—the representative of France—in Hanoi on March 6, 1946, may be helpful. According to that agreement, "each year a fifth of the French troops will be relieved by the Vietnamese army; this relief will thus be effectively completed after five years." This should be supervised by the ICC. If and when elections for the reunification of Vietnam take place (three or five years after the conclusion of the armistice agreements) no foreign troops from any country must remain in Vietnam. This condition must be attached to a solemn pledge, made by the Vietnamese authorities at the time, not to enter into any military alliance and not to allow any military foreign base on Vietnamese soil. The role of the new and enlarged ICC, so far as Laos and Cambodia are concerned, would remain unchanged.

North Vietnam was very bitter when elections for reunification, stipulated in the 1954 Geneva Agreements, did not materialize in 1956. It is useless to blame one side or the other, but it must be expected that North Vietnam will insist on firmer guarantees than those provided in the 1954 Agreements. These guarantees can be provided by the United Nations, which should ratify the results of the new Geneva Conference. The UN should also send observers to be attached to the International Control Commission, selected from member nations not represented in the ICC. The UN presence in Vietnam would last as long as Vietnam wished, even after the election for reunification and after the ICC had fulfilled its mission. Pending reunification of the country, at which time Vietnam would be admitted as a full-fledged member of the world organization, both North and South Vietnam would maintain observers at UN headquarters.

It is evident that the road to an honorable settlement in Vietnam requires a great deal of patience from the travelers. But an attempt must be made, and the first step is elections in South Vietnam. This in turn calls for an unequivocal reaffirmation by the United States that it will abide by the results and the effects of this year's elections in the South. If one trusts frequent statements by the President and his Secretaries of State and Defense, such a reaffirmation presents no difficulties. The U.S. should use its diplomatic influence to convince the government in Saigon to act in a like manner and with the same good faith.

In the long run, the United States will have achieved its basic aims in Vietnam—normalization and a nonaligned Vietnam. Historical and geopolitical realities, as well as immediate interests, dictate that no government in a reunified Vietnam could afford to be a satellite of China and still remain in control; likewise no Vietnamese government could afford to be totally dependent on the United States and still enjoy the support of the people. Thus, eventually, Vietnam can contribute to the American policy of "containment without isolation of China," preparing the way for normalization of relations between the U.S. and China.

(At this point Mr. McGOVERN assumed the chair.)

Mr. METCALF. Mr. President, it has been a privilege today to listen to some of the challenging and thought-provoking addresses by the Senator from Indiana and by the present occupant of the Chair, and the comments by the Senior Senator from Idaho concerning the situation in Vietnam.

Those speakers are certainly more expert and exercise more leadership in this particular area than I.

I think it is especially important that it was emphasized that, a year ago, we were spending approximately $1 billion a month. Today we are spending approximately $2 billion a month. We can look forward to an acceleration and escalation of the war, and it is my opinion that we shall be spending $3 billion a month or more within a short time.

As casualties pour in, as costs increase, as draft calls increase, as perhaps taxes go up, and as we may be forced to institute controls, a change may occur in the opinion that the Senator from South Dakota has suggested would be the immediate reaction.

I agree that probably most of the American people will feel that the bombing is justified, and that it is a part of the U.S. military endeavor.

I believe that as a result of the bombing and as a result of the speeches that have been made in the Senate today—in the highest tradition of the Senate—it is the responsibility of President Johnson to again outline the objectives and the goals of this country in the war in Vietnam. Of major importance, I believe he must tell the American people

what we are trying to do, where we are going, and how we shall achieve the objectives and the goals that he must outline.

No longer can we rely on the fact that we, as a nation, were invited into Vietnam to resist aggression, because a half dozen governments have been in existence in Vietnam since the government which first invited us in and asked for advisers. Many Senators voted for all the necessary resolutions and appropriations.

As the result of this escalation of the war and as the result of this bombing, full and frank disclosure must take place as to just where we are going, what we are attempting to do, and what our objectives and goals are.

The debate that occurred this afternoon, by the Senator from Indiana and the Senator from Pennsylvania and others, is in the tradition of the Senate—of dissent, of explanation. I believe the debate will be helpful to the American people in finding out where we are going.

CONGRESS AFTER 6 MONTHS

Mr. MANSFIELD. Mr. President, at the close of business today, the Senate will take a short and well-earned rest until July 11. It is my hope that this period will be used to recharge batteries because, although much has been accomplished in the past 6 months, I would be less than candid if I did not confess that much more must be done.

We have a big legislative program to get through and I believe it is safe to predict that we will not adjourn before we have measured up to our responsibilities and completed this program. Thus far, the Senate has passed a series of major bills, some of which are innovations and represent major contributions.

We can take comfort in the fact that this well-earned, if all too brief, recess will be taken with the knowledge that for the moment our calendar is practically bare.

For the first time in history we have passed legislation providing for—

An auto safety program;

A highway safety program;

A tire safety program;

A program calling for truth in packaging;

Establishing a Federal program of safety for metal and nonmetallic mine safety;

Extending urban development planning to rural areas;

Alleviating the recurring national shortages of railroad freight cars;

An accelerated program of fish protein concentrate research including authority to construct five demonstration plants;

Authorizing funds for the construction and furnishing an official residence for our Vice President.

The foregoing were "firsts." In addition the Senate has passed—

Four appropriation bills;

A bill authorizing the President to accept membership in the Asian Development Bank;

Authorizations for additional economic and military aid to Vietnam;

The Tax Adjustment Act;

The GI benefits bill;

A 5-year extension of the Library Services and Construction Act;

Emergency aid to India;

Approved four reorganization plans;

An expansion of the mandatory safety provisions of the Mine Safety Act;

The annual AEC authorization measure;

The annual Coast Guard authorization;

The annual space authorization;

The Manpower Services Act;

An increase in the Small Business authorization;

The Participation Sales Act of 1966;

An extension of the Renegotiation and Defense Production Acts;

An increase in the temporary debt limit;

The Bank Holding Company Act Amendments;

The copper tariff suspension and numerous stockpile disposal bills;

The annual military procurement and military construction authorizations;

An extension of the Federal Airport Act;

Established Cape Lookout as a part of the President's recreation program;

A bill providing a third powerplant for Grand Coulee;

A bill enlarging the scope of the water resources research program;

Established a National Water Commission;

A bill establishing a national wild river system;

A bill reforming the Federal bail procedures;

Established the American Revolution Bicentennial Commission;

And, among other items, ratified five treaties.

Before we can ring down the curtain on the 2d session of the 89th Congress, we must consider—

The bill establishing the Department of Transportation;

The Civil Rights Act of 1966;

The foreign aid authorization bill;

Unemployment compensation reforms;

An increase in minimum wage and an expansion of coverage;

The Housing and Urban Development Act of 1966 which includes the demonstration cities program, grants to assist in planned metropolitan development, coordination of Federal activities in metropolitan development, land development and new communities, and mortgage insurance for group practice facilities;

The District of Columbia minimum wage and District of Columbia Revenue Act and home rule which are in conference;

The expanded water and air pollution programs;

The Federal pay bill;

Food for freedom;

The crime bills;

Narcotics rehabilitation;

The Foreign Investors Tax Act;

The Health Professions Training Act, the Child Safety Act, the Comprehensive Health Planning and Public Health Service Act, the Drug Safety Act, the Hospital Modernization Act, and the International Health program;

A bill continuing and accelerating the war on poverty;

A clean elections bill;

An extension of the Elementary and Secondary Education Act, the Higher Education Act, and an International Education Act.

This list is by no means inclusive or final as there will be other measures to be considered.

The Congress can leave here by Labor Day if, and it is a big if, we buckle down upon our return. Therefore, it is my hope that each of you will enjoy this well-earned respite from daily Senate activities and return ready to grind out the program so this session can hold its head high in the company of the 1st session of the 89th—one of the most productive sessions in our Nation's history.

To summarize the Senate's activities so far, I ask unanimous consent that the following report be printed in the RECORD following my remarks.

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

SENATE LEGISLATIVE ACTIVITY THROUGH JUNE 30, 1966

Days in session	93
Hours in session	424:53
Total measures passed	433
Treaties ratified	5
Confirmations	41,168
Public Laws	129

Following is a brief summary of all major general bills upon which the Senate has acted this session, with Presidential recommendations listed first and followed by other legislation categorized by subject. If there is no roll call vote breakdown, Senate action has been by voice vote.

PRESIDENTIAL RECOMMENDATIONS

Appropriations, 1966

Vietnam supplemental: Appropriates an additional $13.1 billion. Public Law 89–374.

Vote: Senate passage 87 (58 Democrats, 29 Republicans)—2 (2 Democrats).

Second supplemental: Appropriates a total of $2.8 billion, including $12.1 million for rent subsidies, $9.5 million for Teachers' Corps, and $12 million for Selective Service System for higher costs relating to an increase in induction needs. Public Law 89–426.

Vote: Senate passage 72 (54 Democrats, 18 Republicans)—12 (10 Democrats, 2 Republicans).

Appropriations, 1967

Interior Department and related agencies: Appropriates a total of $1,321,615,800. Public Law 89–435.

Treasury-Post Office: Appropriates a total of $7,196,429,135. Public Law 89–474.

Asian Development Bank: Authorizes the President to accept membership on behalf of the United States in the Asian Development Bank and authorizes an appropriation of $200 million. Public Law 89–369.

Vietnam supplemental economic aid: Authorizes for the current fiscal year additional economic aid in the amount of $290 million for southeast Asia and $25 million for the Dominican Republic; plus an additional $100 million for the worldwide contingency fund. Public Law 89–371.

Vote: Senate passage 82 (55 Democrats, 27 Republicans)—2 (2 Democrats).

Vietnam supplemental military authorization: Authorizes a total of $4.8 billion additional for fiscal 1966 for military activities in Vietnam. Public Law 89–367.

Vote: Senate passage 93 (61 Democrats, 32 Republicans)—2 (2 Democrats).

Tax Adjustment Act: Increases revenues in 1966 and 1967 by approximately $6 billion to help finance the war in Vietnam; extends social security coverage ($35 minimum) to all who are or reach 72 by 1968 and are not receiving railroad retirement, Federal, State or local pensions; increases excise tax on automobiles to 7 percent and telephone service to 10 percent through March 31, 1968; increases withholding and accelerates corporate tax payments. Public Law 89-368.

Vote: Senate passage 79 (55 Democrats, 24 Republicans)—9 (5 Democrats, 4 Republicans); Conference report 72 (49 Democrats, 23 Republicans)—5 (1 Democrat, 4 Republicans).

Emergency aid to India: To help India meet her pressing food shortages, this act makes available under Public Law 480 certain agricultural commodities including food grain, corn, vegetable oils, milk powder, cotton and tobacco. Public Law 89-406.

GI benefits: Provides educational assistance for veterans who have served on active duty for more than 180 days since January 31, 1955. Public Law 89-358.

Vote: Senate adopted House amendments 99 (67 Democrats, 32 Republicans)—0.

Library services: Extends the Library Services and Construction Act to June 30, 1971, and authorizes appropriations totaling $700 million. H.R. 14050. Public Law 89- .

Medicare: Extends from March 31 to May 31, 1966 the deadline for enrollment in the medical insurance portion of the social security health insurance program for the aged. Public Law 89-384.

Truth in packaging: This act is designed to insure that labels of packaged consumer commodities adequately inform consumers of the quantity and composition of their contents and to promote packaging practices which facilitate price comparisons by consumers. S. 985 passed Senate June 9.

Vote: Senate passage 72 (56 Democrats, 16 Republicans)—9 (1 Democrat, 8 Republicans).

Reorganization Plan No. 1: Approved the transfer of the Community Relations Service from the Department of Commerce to the Department of Justice and the transfer of all its functions from the Secretary of Commerce to the Attorney General. Effective April 22, 1966.

Vote: Senate rejected disapproval resolution: Yeas, 32 (11 Democrats, 21 Republicans); nays, 42 (42 Democrats).

Reorganization Plan No. 2: Approved the transfer of the water pollution control functions from HEW to the Department of the Interior. Effective May 10, 1966.

Reorganization Plan No. 3: Approved the transfer to the Secretary of HEW the functions now vested in the Surgeon General of the Public Health Service. Effective June 25, 1966.

Reorganization of Navy Department: Effective May 1, 1966.

Coal mine safety: Extends the mandatory safety provisions of the Federal Coal Mine Safety Act to mines regularly employing less than 15 men underground, and strengthens other provisions of the act to increase the protection of lives and property in all underground coal mines. Public Law 89-376.

Metal and nonmetallic mine safety: Reduces the high accident rate and improves health and safety conditions in mining and milling operations carried on in the metal and nonmetallic mineral industries, establishes a Federal program of systematic inspection of such operations which affect commerce, and requires development, issuance, and enforcement of health and safety standards. H.R. 8989 passed Senate amended June 23.

Vote: Senate passage 57 (41 Democrats, 16 Republicans)—18 (7 Democrats, 11 Republicans).

AEC: Authorizes $1,964,128,000 for operating expenses and $295,830,000 for plant and capital equipment, or a total of $2,259,958,000 for fiscal 1967. Public Law 89-428.

Coast Guard authorization: Authorizes $126 million for fiscal 1967 for the Coast Guard to procure vessels, aircraft and to construct shore and offshore establishments. Public Law 89-381.

Space authorization: Authorizes a total of $5,008,000,000 to the National Aeronautics and Space Administration for fiscal 1967. H.R. 14324 in conference.

SBA authorization: Increases by $125 million the ceiling on loans and outstanding commitments for the regular business loan program, the disaster loan program, and title IV loans under the Economic Opportunity Act; also increases by $125 million the total amount which may be appropriated to the present revolving fund; establishes two revolving funds, one for disaster loans without an authorization ceiling and a second fund to finance other SBA lending programs. Public Law 89-409.

Participation Sales Act of 1966: Allows the Federal National Mortgage Association to sell to private investors shares, or certificates of participation, in loans pooled from the portfolios of several Federal agencies, including the Small Business Administration. Public Law 89-429.

Vote: Senate passage 39 (34 Democrats, 5 Republicans)—22 (2 Democrats, 20 Republicans); Senate adoption of House amendments, 50 (47 Democrats, 3 Republicans)—20 (2 Democrats, 18 Republicans).

Defense production: Extends the Defense Production Act of 1950 to June 30, 1968. H.R. 14025. Public Law 89- .

Civil Defense emergency extension: Extends to June 30, 1970, the President's authority to deal with the effects of an enemy attack upon this Nation. H.R. 13125. Public Law 89- .

Debt ceiling: Provides a temporary debt limitation of $330 billion beginning on July 1, 1966 and ending June 30, 1967. Public Law 89-472.

Vote: Senate passage 50 (40 Democrats, 10 Republicans)—17 (8 Democrats, 9 Republicans).

Bank Holding Company Act Amendments: Eliminates two major open-end exemptions from the Bank Holding Company Act of 1956 (the exemption for long-term trusts and religious, charitable, and educational institutions and the exemption for registered investment companies and their affiliates) and brings up to date the regulatory and administrative provisions of the Bank Holding Company Act and related acts. H.R. 7371. Public Law 89- .

Copper Tariff suspension: Suspends the present 1.7 cents per pound duty on unrefined copper (1.7 cents per pound plus 10 percent in the case of nickel silver waste and scrap) for the period February 9, 1966, through June 30, 1968. Public Law 89-468.

Community district development: Extends urban development planning under section 701 of the Housing Act of 1954 to rural areas. S. 2934 passed Senate April 25.

Military procurement—pay increase: Authorizes $17,480,759,000 for the procurement of aircraft, missiles, naval vessels, tracked combat vehicles, research, development, test, and evaluation, and a 3.2-percent military pay raise. S. 2950. Conference report filed June 30. House floor, July 12.

Military construction authorization: Provides construction and other related authority for the military departments, and the Office of the Secretary of Defense, within and outside the United States and authority for construction of facilities for the Reserve components in the total amount of $975,671,000 consisting of $969,241,000 in new authority and an increase in prior years' authorizations of $6,430,000. S. 3105 passed Senate May 25.

Federal Employees' Compensation Act: Increases payments under Federal Employees Compensation Act for on-the-job injuries or disability. H.R. 10721. Public Law 89- .

Manpower Services Act of 1966: Provides guidelines and a mandate to improve and expand the services provided through the present Federal-State employment service system. S. 2974 passed Senate June 29.

Renogiation Act extension: Extends the Renegotiation Act of 1951 to June 30, 1968. H.R. 13431. Public Law 89- .

District of Columbia home rule: Provides for an elected mayor, city council, and nonvoting delegate to the House of Representatives for District of Columbia S. 1118. Senate requested conference April 5; House District Committee rejected motion to appoint conferees May 11.

Vote: Senate passage 63 (47 Democrats, 16 Republicans)—29 (15 Democrats, 14 Republicans).

District of Columbia minimum wage: Creates a wage floor of $1.25 an hour within 6 months of enactment for an estimated 300,000 men, women, and minors not now covered by the Federal statute. H.R. 8126 in conference.

Vote: Senate passage 60 (41 Democrats, 19 Republicans)—10 (6 Democrats, 4 Republicans).

District of Columbia revenue: Provides additional revenue for financing District government activities supported from the general fund which includes the cost of police, fire protection, education, health, welfare, courts, and other general government functions; provides a method for computing the annual Federal payment authorization; provides a method for computing the annual borrowing authority for the general fund; increases the tax on motor vehicle fuels from 6 to 7 cents a gallon; and increases the highway fund borrowing authority for highway construction by $35 million. H.R. 11487 in conference.

Pennsylvania Avenue: Provides for the administration and development of Pennsylvania Avenue in the District of Columbia as a national historic site. Senate Joint Resolution 116 passed Senate June 8. House Calendar.

Auto safety: Provides for a coordinated national safety program and establishes safety standards for motor vehicles and highways. S. 3005 passed Senate June 24.

Vote: Senate passage 76 (52 Democrats, 24 Republicans)—0.

Highway safety: Authorizes a 3-year, $465 million national highway safety program. S. 3052 passed Senate June 24.

Tire safety: Establishes safety standards for automobile tires sold or shipped in interstate commerce. S. 2669 passed Senate March 29.

Vote: Senate passage 79 (54 Democrats, 25 Republicans)—0.

Freight car shortage: Expands the present powers of the Interstate Commerce Commission to set daily rental rates paid by one railroad to another for the use of freight cars moving across the country, and includes considerations of the national freight car supply as a basis for setting rates. Public Law 89-430.

Federal Airport Act: Extends the Federal aid to airports program an additional 3 years, expiring June 30, 1970, at the existing $75 million annual level of authorization. S. 3096 passed Senate June 20.

Cape Lookout: Authorizes $3,200,000 for the establishment of the Cape Lookout National Seashore in North Carolina. Public Law 89-366.

Grand Coulee—Third powerplant: Authorizes $390 million for Federal construction of a third powerplant at Grand Coulee Dam on the Columbia River in the State of Washington, which will add 3.6 million kilowatts of generating capacity to the 2 million kilowatts of the two existing plants, making it the

largest single hydroelectric development in the world. Public Law 89-448.

Great Salt Lake: Authorizes immediate conveyance to Utah of 250,000 acres of Federal land which borders the Great Salt Lake. Public Law 89-441.

Great Salt Lake Relicted Lands Act Amendment: Insures full protection to the contingent interests of the Federal Government in certain lands in the State of Utah relicted from the Great Salt Lake (Public Law 89-441). S. 3484 passed Senate June 23.

Water Resources Research Act Amendments: Enlarges the scope of the 1964 Water Resources Research Act by authorizing $85 million over a 10-year period in grant, matching and contract funds for assistance to educational institutions in addition to State land-grant colleges, to competent private organizations and individuals, and to local, State, and Federal agencies in undertaking special research in water resource problems. Public Law 89-404.

Wild Rivers: Establishes a National Wild Rivers System and designates seven rivers to be preserved in their natural condition and provides for study and possible inclusion later of segments of 17 other rivers. Estimated cost is $16,067,000 for the 5-year program. S. 1446 passed Senate January 19.

Vote: Senate passage 71 (45 Democrats, 26 Republicans)—1 (1 Republican).

Southern Nevada Project Amendment: Repeals section 6 of Public Law 89-292 authorizing $81,003,000 for the Federal construction of the southern Nevada water project. Section 6, because of being couched in general language, requires the Department of Interior to recognize the intrastate priorities of water rights to the use of water. S. 2999. Public Law 89- .

Wolf Trap Farm: Establishes Wolf Trap Farm Park in Fairfax County, Va. S. 3423 passed Senate June 30.

Federal bail reform: Revises the practices relating to bail to assure that all persons, regardless of their financial status, shall not needlessly be detained pending their appearance to answer charges, to testify, or pending appeal, when detention serves neither justice nor public interest. Public Law 89-465.

National Water Commission: Establishes a National Water Commission to review and advise on the entire range of water resource problems. S. 3107 passed Senate June 9.

American Revolution Bicentennial Commission: Establishes the American Revolution Bicentennial Commission to commemorate the great struggle for freedom which occurred nearly 200 years ago. Commission will be composed of Members of Congress and the executive branch, and distinguished and outstanding Americans appointed by the President. Senate Joint Resolution 162. Public Law 89- .

Treaties

Settlement of investment disputes—Executive A: Ratified May 16.

Vote: 72 (44 Democrats, 28 Republicans)—0.

Supplementary income-tax convention with the Netherlands—Executive B: Ratified June 21.

Vote: 83 (55 Democrats, 28 Republicans)—0.

Supplementary tax protocol with the United Kingdom and Northern Ireland—Executive C: Ratified June 21.

Vote: 83 (55 Democrats, 28 Republicans)—0.

Protocol to Mexican broadcasting agreement extending its provisions to December 31, 1967—Executive D: Ratified June 21.

Vote: 83 (55 Democrats, 28 Republicans)—0.

Amendments to the Convention of the Intergovernmental Maritime Consultative Organization—Executive H: Ratified June 21.

Vote: 83 (55 Democrats, 28 Republicans)—0.

Stockpile disposals: (18)

Amosite asbestos, Public Law 89-422.
Bauxite, Public Law 89-394.
Bismuth, Public Law 89-417.
Chromite, Public Law 89-415.
Fluorspar, Public Law 89-416.
Muscovite mica, Public Law 89-419.
Phologopite mica, Public Law 89-418.
Molybdenum, Public Law 89-413.
Platinum, Public Law 89-390.
Rhodium, Public Law 89-420.
Ruthenium, Public Law 89-423.
Thorium, Public Law 89-421.
Vanadium, Public Law 89-424.
Celestite, Public Law 89-461.
Opium, Public Law 89-464.
Sisal, Public Law 89-462.
Crocidolite asbestos, Public Law 89-463.
Aluminum, Public Law 89-460.

OTHER LEGISLATION BY SUBJECT

Agriculture

Cotton research and promotion: Provides for a cotton research and promotion program financed by cotton growers designed to improve cotton's competitive position and improve markets and uses for U.S. cotton. H.R. 12322, Public Law 89- .

Vote: Senate passage 49 (38 Democrats, 11 Republicans)—20 (8 Democrats, 12 Republicans).

Disaster areas planting: Permits farmers who are prevented from planting wheat, feed grains, or cotton by flood or other natural disaster the same opportunity to plant alternative crops that the law now accords farmers whose crops have been destroyed by such a disaster after planting. Public Law 89-451.

Vote: Senate passage 56 (41 Democrats, 15 Republicans)—10 (1 Democrat, 9 Republicans).

Screw-worm eradication: Authorizes Secretary of Agriculture to cooperate in screw-worm eradiction in Mexico. H.R. 14888. Passed Senate amended, June 29.

Tobacco allotment leasing: Extends the time for filing tobacco allotment leases with the county committee until July 31 of each year. Public Law 89-471.

Defense

Coast Guard amendments: Increases the maximum authorized number of commissioned Coast Guard officers on active duty from 3,500 to 4,000. Increases the number of cadets to be appointed annually to the Coast Guard Academy from 300 to 400. Public Law 89-444.

District of Columbia

Capital stock requirements: Amends the District of Columbia Fire and Casualty Act to require that all domestic stock insurance companies authorized to do a fidelity or surety business in the District of Columbia maintain a paid-up capital stock of not less than $500,000 and a surplus of not less than $250,000. Public Law 89-399.

Court functions: Transfers numerous functions from the U.S. District Court for the District of Columbia to the District of Columbia court of general sessions, the Commissioners of the District of Columbia and to the Recorder of Deeds. S. 1611. Public Law 89- .

Court of general sessions: Authorizes the expansion of the District of Columbia court of general sessions from 15 to 20 associate judges and establishes a traffic branch in this court. S. 2263 passed Senate August 24, 1965; passed House amended May 9.

Gen. John J. Pershing: Authorizes the erection of a memorial in the District of Columbia to Gen. John J. Pershing. S. 2338 passed Senate June 2.

Insurance premium finance companies: Provides a requirement for licensing and a means for regulating the activities of premium finance companies in the District of Columbia. Public Law 89-403.

Parking Facility Act: Provides for a parking program as part of a balanced transit system in the District of Columbia, and a unified planning program under the supervision of a Parking Board and Advisory Council. S. 2769 passed Senate June 21.

Registration of trade names: Protects the general public and legitimate businesses in the District of Columbia by requiring registration of assumed trade names, disclosure of principals and agents conducting business under such names, and requiring such principals and agents residing outside of the District to constitute the District of Columbia Board of Commissioners as their attorney for service of process. S. 1717 passed Senate April 5.

Regulating domestic stock insurance companies: Provides District of Columbia with regulatory authority over domestic stock insurance companies to enable those companies, by coming under the regulatory jurisdiction of the Superintendent of Insurance for the District, to be exempt from regulation by the SEC. Public Law 89-402.

Teachers' retirement increase: Provides a combined increase of 11.1 percent to teacher retirees whose annuities are based on the law in existence on or before October 1, 1956, and 6.1 percent to those retirees whose annuities were computed under the liberalized formula made applicable after October 1, 1956, by the 1956 retirement amendments to the Teachers' Retirement Act. Increases retroactive to December 1, 1965. H.R. 11439. Public Law 89- .

Education

Books for handicapped: Extends to other handicapped persons the provisions of existing law which authorizes that books and other materials be furnished to the blind. S. 3093 passed Senate June 29.

Salary increase for overseas teachers: Provides for approximately a 10 percent increase for teachers in the overseas dependent school system. Public Law 89-391.

Federal employees

Additional supergrades: Provides for the establishment of certain management, administrative, scientific, and research and development positions in GS-16 through 18 and other comparable salary levels. S. 2393 passed Senate September 1, 1965; passed House amended June 6, 1966.

Assistant Postmaster General: Creates a sixth position of Assistant Postmaster General in the Post Office Department to be in charge of research, development, and construction engineering programs. H.R. 13822. Public Law 89- .

Back pay: Consolidates and liberalizes existing law on the restoration of an employee to his position after an adverse action against him has been found by appellate authority to have been erroneous or unjustified. Public Law 89-380.

Civil service retirement: Permits the natural child of a deceased Federal employee who dies without survivors eligible to receive a survivor annuity from the civil service retirement and disability fund to share in the distribution of any money on deposit in the fund which belongs to the deceased employee. Public Law 89-407.

Congressional employees: Preserves the retirement, group life, and health benefits for congressional employees receiving fellowships from the American Political Science Association. Public Law 89-379.

Federal workweek: Permits variation of the 40-hour workweek of Federal employees for educational purposes. Public Law 89-478.

Hazardous duty pay: Permits the payment of premium compensation (up to 25 percent) to Classification Act employees for periods of work involving hazardous conditions. H.R. 1535. Public Law 89- .

Interior employees medical expenses: Authorizes the Secretary of the Interior to use appropriated funds for the payment of medical care of temporary and seasonal employees and employees located in isolated areas who become disabled because of injury or illness not attributable to official work. S. 2153 passed Senate March 4.

Life insurance: Removes the ceiling limitation and changes the payment ratio. H.R. 6926 passed Senate, amended, March 17.

Star route pay raises: Provides for an automatic cost-of-living adjustment in the contract price of certain star route contracts whenever the Consumer Price Index reflects an increase of at least 1 percent in 1 year. Limits increase to not more than $15,000 of any star route contract. H.R. 2035. Public Law 89– .

Finance

Bank mergers: Establishes new and uniform standards for bank merger approvals by regulatory agencies; requires that antitrust action be filed within 30 days; permits mergers on basis of community need and public interest if these factors predominate; exempts mergers completed prior to June 17, 1963. Public Law 89–356.

Bankruptcy Act amendments: Amends chapter XI of the Bankruptcy Act to give the court supervisory power over all fees paid from whatever source. S. 1923 passed Senate March 4.

Bankruptcy liens: Rearranges the priority of liens in bankruptcy to subordinate Federal tax liens to statutory liens. H.R. 136. Public Law 89– .

Bankruptcy referees: Amends the Bankruptcy Act to prohibit referees or part-time referees from acting as trustee or receiver in any proceeding under the Bankruptcy Act. Public Law 89–414.

Bankruptcy—Tax priority: Provides for discharge in bankruptcy of Federal taxes due more than 3 years except withholding taxes and income taxes where no return was filed, or where fraud is involved. H.R. 3438. Public Law 89– .

Federal Reserve purchases: Extends until June 30, 1968 the present authority of the Federal Reserve banks to purchase securities direct from the Treasury in amounts not to exceed $5 billion outstanding at any one time. S. 3368. Public Law 89– .

GATT negotiations: Expresses the sense of Congress that our trade negotiators should limit their offers of concessions to authority prescribed by the Trade Expansion Act of 1962. Senate Concurrent Resolution 100 passed Senate June 29.

Vote: Senate passage 69 (43 Democrats, 26 Republicans)—8 (7 Democrats, 1 Republican).

Use of foreign currencies: Provides permanent authority for Federal agencies to use authorized foreign currencies held by the United States for other than specified programs but requires a reimbursement to the Treasury by the agency using the funds. S. 801 passed Senate March 22.

General government

Administrative Procedure Act of 1966: Revises and updates existing administrative procedures with new ones designed to increase the efficiency and fairness of the administrative process. S. 1336 passed Senate June 21.

Attorney's fees: Removed arbitrary limitations on attorney's fees for services rendered in proceedings before administrative agencies of the United States. S. 1522 passed Senate June 13.

Freedom of information: Revises section 3 of the Administrative Procedure Act to provide a true Federal public records statute by requiring the availability, to any member of the public, of all of the executive branch records described in its requirements, except those involving matters which come under stated exemptions. S. 1160. Public Law 89– .

Postal savings: Discontinues U.S. Postal Savings System 30 days after enactment. Public Law 89–377.

Uniform time: Provides for uniform daylight saving time throughout the United States beginning in 1967 unless a State votes to remain on standard time. Requires any State or subdivision using daylight saving time in 1966 to commence it on the last Sunday in April and end it on the last Sunday in October. Public Law 89–387.

Health

Food and drug: Allows manufacturers of candy to use ingredients which have been approved as safe by the Food and Drug Administration. Public Law 89–477.

Fish protein concentrate: Inaugurates an accelerated 5-year program of fish protein concentrate research including authority to construct five demonstration plants. S. 2720 passed Senate June 27.

Housing

Vice President's residence: Authorizes an appropriation of $750,000 for the construction and furnishing of an official residence for the Vice President to be located on the grounds of the U.S. Naval Observatory. Public Law 83–386.

International

China—Loan of naval vessels: Authorizes lending one destroyer and one destroyer escort to the Republic of China. Public Law 89–398.

Foreign Agents Registration Act amendments: Protects the interests of the United States by requiring complete public disclosure by persons acting for or in the interests of foreign principals where their activities are political in nature or border on the political. Such public disclosures as required by the act will permit the Government and the people of the United States to be informed as to the identities and activities of such persons and thus be better able to appraise them and the purposes for which they act. S. 693. Public Law 89– .

Foreign gifts and decorations: Establishes uniform basic standards for the acceptance of gifts and decorations by persons employed by the U.S. Government under specified conditions. S. 2463 passed Senate May 17.

Interama: Authorizes the President to provide for U.S. participation in the Inter-American Cultural and Trade Center, known as Interama, in Miami, Fla., a permanent international fair to serve as a meeting ground for the governments and industries of the Western Hemisphere and other areas of the world. Public Law 89–355.

Vote: Senate passage 56 (43 Democrats, 13 Republicans)—18 (6 Democrats, 12 Republicans).

International Organizations Immunities Act: Provides for tax and customs exemption of the European Space Research Organization and for tax exemption of their foreign employees. Public Law 89–353.

International Petroleum Exposition: Authorizes the President to invite the States of the Union and foreign nations to participate in the International Petroleum Exposition to be held in Tulsa, Okla., May 12 through 21, 1966. Senate Joint Resolution 63 passed Senate February 10.

Nonproliferation of nuclear weapons: Expresses to the President that the Senate commends his efforts to negotiate an international agreement limiting the spread of nuclear weapons and supports the principle of additional efforts which the President deems appropriate and necessary in the interest of peace and for the solution of nuclear proliferation problems. Senate Resolution 179 adopted May 17.

Pan American Institute of Geography and History: Increases the ceiling on U.S. contributions to the Pan American Institute of Geography and History from $50,000 a year to $75,000 and authorizes appropriations for the expenses of U.S. participation in Institute activities (estimated at $3,000 a year). Senate Joint Resolution 108 passed Senate May 12.

United States-Mexico flood control: Authorizes conclusion of an agreement for joint construction by United States and Mexico of flood control project for the Tiajuana River. S. 2540 passed Senate March 8.

The 1972 Winter Olympics: Approves selection of U.S. Olympic Committee and supports its recommendation that Utah be designated as the site for the 1972 Winter Olympic Games. Senate Concurrent Resolution 71 passed Senate March 14; passed House April 4.

World Health Assembly: Authorizes an appropriation of not to exceed $500,000 to enable the United States to extend an invitation to the World Health Organization to hold the 22d World Health Assembly in Boston, Mass. in 1969. Public Law 89–357.

Judicial

Court of Claims: Authorizes the President to appoint two additional judges for the U.S. Court of Claims, subject to Senate confirmation. Public Law 89–425.

Federal Claims Collection Act: Authorizes heads of agencies or their designees to compromise claims that do not exceed $20,000, and are claims for money or property arising out of activities of the agency or are referred to it. H.R. 13651 passed Senate amended June 27.

Federal judgeships: Creates 45 new Federal judgeships, 10 circuit court and 35 district court. Public Law 89–372.

Federal Tort Claims Act amendment: Provides authority to the heads of Federal agencies for administrative settlement of tort claims against the United States. H.R.3650. Public Law 89– .

Judgments: Provides that in any action brought by or against the United States or any agency or official of the United States acting in his official capacity, costs may be awarded by the court to the prevailing party. H.R. 14182. Public Law 89– .

Statute of limitations: Establishes statutes of limitations which will apply to contract and tort actions brought by the U.S. Government. H.R. 13652. Public Law 89– .

Labor

Railway labor: Eliminates the large backlog of undecided claims of railroad employees pending before the National Railroad Adjustment Board, and provides equal opportunity for judicial review of awards by this Board to employees and employers. Public Law 89–456.

Memorials

Boy Scouts: Pays tribute to the Boy Scouts on the occasion of the 50th anniversary of their charter, and expresses recognition for their public service. Senate Concurrent Resolution 68 passed Senate February 10; passed House amended February 21.

Chamizal Treaty National Memorial: Provides for the establishment of the Chamizal Treaty National Memorial in El Paso, Tex. H.R. 7402. Public Law 89– .

Fort Union Trading Post: Authorize the establishment of the Fort Union Trading Post National Historic Site, N. Dak. and Mont., to commemorate the significant role of Fort Union as a fur trading post during the early history of our Nation. Public Law 89–458.

Lewis and Clark Trail Commission authorization: Adds Illinois to the list of States entitled to representation on the Lewis and Clark Trail Commission and increases the annual authorization from $25,000 to $35,000. Public Law 89–475.

National Air Museum: Provides for memorializing space flight as a part of the National Air Museum. H.R. 6125. Public Law 89– .

Roanoke Island memorial: Establishes the Roanoke Island Memorial Commission,

North Carolina. Senate Concurrent Resolution 39 passed Senate June 8.

Sir Winston Churchill: Designates April 9, 1966, as Sir Winston Churchill Day, the third anniversary of the date U.S. citizenship was conferred on Sir Winson. Public Law 89–385.

Resource buildup

Contiguous fishery zone: Establishes a 12-mile fishery zone off the U.S. coast. S. 2218 passed Senate June 20.

Feasibility study: Authorizes the Secretary of Interior to study the feasibility and desirability of a Connecticut River National Recreation Area in the States of Connecticut, Massachusetts, Vermont, and New Hampshire. S. 3510. Passed Senate June 30.

Fishery resources survey: Directs the Secretary of Interior to conduct a survey on the extent and condition of the inland and coastal fishery resources of the United States. Senate Joint Resolution 29 passed Senate June 7.

Fur Seal Act of 1966: Implements the Convention on the Conservation of North Pacific Fur Seals and gives the Secretary of Interior broader discretion in the administration of the Pribilof Islands encouraging self-government. S. 2102 passed Senate June 20.

Manson irrigation unit, Washington: Authorizes the Department of Interior to construct, operate, and maintain the Manson unit, Cheland Division, Chief Joseph Dam Project, Washington. The estimated cost of $13,344,000 will be repaid within 50 years by the water and power users, with the exception of $150,000 to be used for fish and wildlife purposes. S. 490 passed House amended March 30.

Marine resources and engineering development: This bill furthers ocean engineering and exploration, expands marine science and technology, and intensifies development and utilization of ocean, Continental Shelf, and Great Lakes resources. Public Law 89–454.

Missouri River Basin project: Increases by $60 million for fiscal years 1967 and 1968 the authorization for appropriations for continuing work on the Missouri River Basin project. H.R. 14312. Public Law 89– .

Mount Rogers Recreational Area: Authorizes the establishment of the Mount Rogers National Recreation Area in the Jefferson National Forest in Virginia. Public Law 89–438.

Public land leasing: Authorizes the Secretary of Interior to enter into leases for a period of 25 years under the Recreation and Public Purposes Act which will permit States and local units of government to plan and develop Federal lands under lease to them with Federal participation as provided for in the Land and Water Conservation Fund Act. Public Law 89–457.

Small Reclamation Projects Act amendments: Broadens and strengthens the Small Reclamation Projects Act of 1950, which is designed to encourage State and local participation in the development and improvement of reclamation projects in their own localities. S. 602. Conferees agreed June 2.

Tualatin Federal reclamation project, Oregon: Authorizes up to $23 million for the Federal construction of the Tualatin Federal reclamation project, in Washington County, Oreg. S. 254. In conference.

Taxes

Armed Forces—tax treatment: Provides that retired servicemen are to be taxed only on the amount they actually receive as retired pay. The amount of any reduction to provide survivor annuities would be excluded. Estate and gift tax exclusions are also provided. Public Law 89–365.

Estate tax deficiencies: Amends the Internal Revenue Code of 1939 to provide that if any part of a deficiency with respect to estate tax liability is due to fraud with intent to evade tax, the penalty to be imposed is 50 percent of the total amount of the deficiency rather than 50 percent of the total tax liability. Public Law 89–359.

Expropriation recoveries: Provides a new set of rules for the tax treatment to be accorded recoveries of foreign expropriation losses. Generally, the new rules limit the tax on the recovery to the benefit previously received in deducting the loss. Public Law 89–384.

Tax court: Liberalizes the computation of benefits for retired judges of the Tax Court by basing their pension on the salary of the "office" rather than actual salary at the time of retirement, thereby permitting pay raises to be passed on to retired judges. Public Law 89–354.

Tax exempt savings institutions: Provides income tax exemption for certain nonprofit organizations operated to provide reserve funds for savings and loan associations, and subjects them to unrelated business income tax. Public Law 89–352.

Undistributed taxable income: Provides that undistributed taxable income made within 2½ months after close of taxable year to shareholders of certain small business corporations shall be considered to have been made before the close of the taxable year. Public Law 89–389.

Duties

Bauxite: Continues until July 15, 1966, the suspension of duty on certain alumina and bauxite. Public Law 89–440.

Chicory: Extends until June 30, 1969, the suspension of duty on crude chicory and the reduction in ground chicory. Public Law 89–439.

Copra: Makes permanent the duty-free treatment or lower rates of duty temporarily applicable to copra, palm nuts, and palm nut kernels, their oils, and specified fatty acids, salts, and other chemical products derived from the oils. Public Law 89–388.

Corkboard: Makes permanent the existing duty-free treatment for certain corkboard insulation. Public Law 89–431.

Electrodes: Extends until July 15, 1968, the suspension of duty on electrodes imported for use in producing aluminum. Public Law 89–434.

Graphite: Makes permanent the existing suspension of duty on certain natural graphite. Public Law 89–433.

Heptanoic acid: Continues until August 8, 1969, the existing suspension of duty on heptanoic acid. Public Law 89–432.

Household effects: Makes permanent the existing duty-free treatment of personal and household effects brought into the United States under Government orders. Public Law 89–436.

Shoe lathes: Continues until the close of June 30, 1969, the existing suspension of duty on certain copying shoe lathes. Public Law 89–437.

Tropical hardwoods: Suspends the duty on tropical hardwoods until January 1, 1968. Public Law 89–392.

Transportation and communications

Construction differential subsidies: Extends for 1 year the present authority of the Secretary of Commerce to make construction differential subsidy payments of a maximum of 55 percent on new merchant vessel construction. S. 2858 passed Senate June 15; passed House amended June 20.

Dogs and cats: Authorizes the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs, cats, and certain other animals intended to be used for purposes of research or experimentation. H.R. 13881. In conference.

Obscene telephoning: Makes it a Federal offense to make obscene or harassing telephone calls in interstate or foreign commerce or within the District of Columbia. S. 2825 passed Senate June 29.

Radio frequencies—harmful interference: Provides the Federal Communications Commission with adequate authority to deal with increasingly acute interference problems arising from expanded usage of electrical and electronic devices which cause, or are capable of causing, harmful interference to radio reception. S. 1015 passed Senate June 2.

Small vessels: Simplifies the admeasurement of small vessels. Public Law 89–476.

War risk insurance: Extends war risk insurance authority until September 7, 1970, which permits the Secretary of Commerce to provide war risk insurance for the protection of aircraft and persons together with other liabilities pertaining to aircraft when commercial insurance cannot be obtained on reasonable terms and conditions. Public Law 89–447.

Veterans

Burial allowances: Extends the statutory burial allowance to certain veterans whose deaths occur as a result of a service-connected disability. Public Law 89–360.

Disabled veterans—cars: Authorizes the VA to make grants toward the purchase of a car for certain veterans of the cold war who suffer serious service-connected disabilities. S. 1199 passed Senate June 9.

Disappeared veteran: Provides that where a veteran receiving a pension disappears, the VA may pay his pension to his wife and children. Public Law 89–467.

Hospitalization: Restricts the conditions under which benefits are immediately reduced upon readmission of veterans for hospitalization or other institutional care. Public Law 89–362.

Hospital and nursing care in Alaska and Hawaii: Broadens the definition of the term "Veterans' Administration facilities" to include private contract facilities for war veterans in a State which is not continguous to the 48 continguous States (Alaska and Hawaii). S. 562 passed Senate June 8.

Service connected: Liberalizes dependency and indemnity compensation (DIC) to the surviving parents and children of a veteran who died as a result of service-connected causes by increasing the monthly dependency and indemnity compensation rates and the applicable annual income limitation provisions, and provides for certain exclusions from the computation of annual income in the case of dependent parents. H.R. 14347 passed Senate amended June 27.

Travel expenses: Authorizes the payment of actual necessary travel expenses, or a mileage allowance in lieu thereof, to any person, to or from a Veterans' Administration facility or other place, in connection with vocational rehabilitation, counseling required pursuant to the war orphans educational assistance program, as well as for the purpose of treatment, examination, or care. Public Law 89–455.

Widows: Allows the widow of a veteran, who died from a service-connected disability, left to care for eight or more children the same benefits that the children of a widow left in similar circumstances would receive under the pension program. Public Law 89–466.

ADJOURNMENT UNTIL JULY 11, 1966

Mr. METCALF. In accordance with the resolution previously adopted—House Concurrent Resolution 804, as amended—I move that the Senate stand in adjournment until 12 o'clock noon, Monday, July 11, 1966.

The motion was agreed to; and (at 5 o'clock and 2 minutes p.m.) the Senate adjourned until Monday, July 11, 1966, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate June 30, 1966:

AGENCY FOR INTERNATIONAL DEVELOPMENT

William S. Gaud, of Connecticut, to be Administrator of the Agency for International Development, vice David Elliott Bell.

U.S. ADVISORY COMMISSION ON INTERNATIONAL EDUCATIONAL AND CULTURAL AFFAIRS

The following-named persons to be Members of the U.S. Advisory Commission on International Educational and Cultural Affairs for terms expiring May 11, 1969, and until their successors are appointed and have qualified (reappointments):

Dr. Walter Adams, of Michigan.
Dr. Joseph R. Smiley, of Colorado.
Dr. Pauline Tompkins, of Maine.

CONFIRMATION

Executive nomination confirmed by the Senate June 30, 1966:

NATIONAL ENDOWMENT FOR THE HUMANITIES

Barnaby C. Keener, of Rhode Island, to be Chairman of the National Endowment for the Humanities for a term of 4 years.

HOUSE OF REPRESENTATIVES

THURSDAY, JUNE 30, 1966

The House met at 12 o'clock noon.

The following prayer was offered by Rev. Charles H. Hay, All Saints' Episcopal Church, Winter Park, Fla.:

Be not conformed to this world: but be ye transformed by the renewing of your mind, that ye may prove what is that good, and acceptable, and perfect, will of God.—Romans 12: 2.

Almighty God, our Heavenly Father, who hast called our Nation to a place of trust and responsibility throughout the world, we humbly thank Thee for all the ways in which Thou hast blessed and guided us in the past and present; continually inspire, we pray Thee, the minds and hearts of all to whom Thou hast committed the responsibility and leadership of this Nation; hold before them Thy standard of truth and justice, thereby saving them from all ungenerous judgments. Direct and prosper all their considerations and endeavors to the advancement of Thy glory, the safety, honor, and welfare of all Thy people, that peace and happiness, truth and justice may be established among us for all generations; granting them the will to make all their choices in accordance with Thy will, so that we all may take our part in the fulfillment of Thy purpose—through Jesus Christ our Lord. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Jones, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On June 17, 1966:

H.R. 15151. An act to permit the planting of alternate crops on acreage which is unplanted because of a natural disaster.

On June 18, 1966:

H.R. 11748. An act to amend section 111 of title 38, United States Code, to authorize the prepayment of certain expenses associated with the travel of veterans to or from a Veterans' Administration facility or other place, in connection with vocational rehabilitation or counseling, or for the purpose of examination, treatment, or care.

On June 20, 1966:

H.R. 706. An act to amend the Railway Labor Act in order to provide for establishment of special adjustment boards upon the request either of representatives of employees or of carriers to resolve disputes otherwise referable to the National Railroad Adjustment Board, and to make all awards of such Board final;

H.R. 3957. An act to authorize establishment of the Fort Union Trading Post National Historic Site, N. Dak. and Mont., and for other purposes;

H.R. 6646. An act to amend the Recreation and Public Purposes Act pertaining to the leasing of public lands to States and their political subdivisions; and

H.R. 10431. An act to declare that certain federally owned land is held by the United States in trust for the Minnesota Chippewa Tribe.

On June 21, 1966:

H.R. 2290. An act for the relief of Charlotte Schulz;

H.R. 13366. An act to authorize the disposal of aluminum from the national stockpile;

H.R. 13768. An act to authorize the disposal of celestite from the supplemental stockpile;

H.R. 13769. An act to authorize the disposal of cordage fiber (sisal) from the national stockpile;

H.R. 13770. An act to authorize the disposal of crocidolite asbestos (harsh) from the supplemental stockpile; and

H.R. 13773. An act to authorize the disposal of opium from the national stockpile.

On June 22, 1966:

H.R. 3177. An act to amend title 38, United States Code, to increase dependency and indemnity compensation in certain cases; and

H.R. 9961. An act to amend chapter 15 of title 38, United States Code, to provide that where a veteran receiving pension under this chapter disappears, the Administrator may pay the pension otherwise payable to the wife and children.

On June 23, 1966:

H.R. 3692. An act for the relief of William F. Kuhlman;

H.R. 5533. An act for the relief of Kuniki Nagano Zwiefelhofer;

H.R. 8219. An act for the relief of Cho Myung Soon and Cho Myung Hee;

H.R. 8833. An act for the relief of Sarah Antoinette Cappadona;

H.R. 9643. An act for the relief of Haider Raza and his wife, Irene Raza, and their children, Afzal Anthony and Haider Raymond Raza;

H.R. 10133. An act for the relief of Fritz A. Frerichs;

H.R. 10838. An act for the relief of certain employees of the Post Office Department at Eau Gallie, Fla.;

H.R. 12396. An act for the relief of Elton P. Johnson; and

H.R. 12676. An act to amend the Tariff Schedules of the United States to provide that certain forms of copper be admitted free of duty.

On June 24, 1966

H.R. 1233. An act for the relief of Lee Chung Woo;

H.R. 3774. An act for the relief of Wanda Olszowa;

H.R. 5003. An act for the relief of Evangelia G. Latsis;

H.R. 5984. An act to amend sections 2275 and 2276 of the Revised Statutes, as amended, with respect to certain lands granted to the States;

H.R. 10357. An act to provide for the striking of medals in commemoration of the 100th anniversary of the founding of the U.S. Secret Service;

H.R. 15124. An act to amend section 316 of the Agricultural Adjustment Act of 1938, as amended; and

H.R. 15202. An act to provide, for the period beginning on July 1, 1966, and ending on June 30, 1967, a temporary increase in the public debt limit set forth in section 21 of the Second Liberty Bond Act.

On June 29, 1966:

H.R. 6438. An act to authorize any executive department or independent establishment of the Government, or any bureau or office thereof, to make appropriate accounting adjustment or reimbursement between the respective appropriations available to such departments and establishments, or any bureau or office thereof;

H.R. 6515. An act to supplement the act of October 6, 1964, establishing the Lewis and Clark Trail Commission, and for other purposes;

H.R. 7042. An act to amend section 402(d) of the Federal Food, Drug, and Cosmetic Act; and

H.R. 14266. An act making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1967, and for other purposes.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 6125. An act to amend Public Law 722 of the 79th Congress and Public Law 85-935, relating to the National Air Museum of the Smithsonian Institution; and

H.R. 13125. An act to amend the provisions of title III of the Federal Civil Defense Act of 1950, as amended.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 14888. An act to amend the act of February 28, 1947, as amended, to authorize the Secretary of Agriculture to cooperate in screw-worm eradication in Mexico.

The message also announced that the Senate had passed bills and a concurrent and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 2825. An act to amend the Communications Act of 1934 with respect to obscene or harassing telephone calls in interstate or foreign commerce;

S. 3093. An act to amend the acts of March 3, 1931, and October 9, 1962, relating to the furnishing of books and other materials to the blind so as to authorize the furnishing of such books and other materials to other handicapped persons;

S. 3106. An act for the relief of Dr. Alberto L. Martinez;

S. 3110. An act for the relief of Jose R. Cuervo;

S. 3141. An act for the relief of Hom Sheck See and his wife, Hom Mon Hing;