for an Inter-American Civil Service Academy. This was endorsed by the Republican paper and still demands serious attention.

It means engaging the people of the U.S. in Latin American development. We have made a start through the Partners of the Alliance; my own state of Massachusetts has a promising relationship with the Department of Antioquia, Colombia. Labor, farm groups, civic organizations, business associations, and universities can play a bigger role. These groups can help transfer to Latin America the advantages of self-help cooperation which has been such a constructive force in our own history.

The House version of this year's foreign aid authorization bill contains an important new provision designed to fill this gap of imagination in our foreign aid program. Titled "Utilization of Democratic Institutions in Development," the provision directs AID to place emphasis on "assuring maximum participation on the part of the people of the developing countries, through the encouragement of democratic private and local governmental institutions."

If this provision is retained in the final enactment, AID will have the authority—indeed, the mandate—to help develop the human resources that are essential if we are to bridge the gap between intention and achievement.

SELF HELP

AID will not be moving into completely uncharted territory. The International Development Foundation, a small organization with headquarters in New York, has been working in the area of leadership training for the past few years in Chile, Peru, Colombia, and the Dominican Republic. IDF attempts to find the natural leaders among the peasants and urban slum-dwellers in Latin America and develops training programs designed to instill a sense of ability to effect change and a spirit of cooperation with others in the achievement of common development goals. Their impressive example should be heeded by AID.

The consequences of our failure to move our aid program in the direction of civic development are two-fold. On the one hand, we may be sending capital to Latin America that will be counter-productive because it cannot be absorbed effectively by the present structure. On the other hand, persistent failure to achieve success weakens support here at home for the entire aid effort.

The root cause may have been the naive assumption on the part of many Democrats that more money was the key to improved hemisphere relations. Now disillusioned, they seek retreat, instead of reform. It is the responsible Republican position to continue to insist on reform.

CONCLUSION

No suggestions for improvement in United States-Latin American relations can be definitive or conclusive. We are dealing with a revolutionary, not a static, situation. New groups are clamoring for power and the old problems grow more acute.

Progress *is* being made, but it is not clear even that we are keeping up, much less making a significant dent. Many Latin American problems do not appear, to the casual reader, to be dramatic or exciting. U.S. press coverage of the Hemisphere is fair at best.

We cannot forget that in Latin America, as elsewhere in the world, there are real people struggling against the forces that have hindered their progress for centuries. They are our neighbors and their future is inevitably linked with our own.

Massive problems demand imaginative attention and effective solution. And time is running out.

SENATE

TUESDAY, AUGUST 30, 1966

The Senate met at 10 o'clock a.m., and was called to order by the Vice President.

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

O Thou Father of our spirits, who hearest prayer and to whom all flesh shall come, breathe upon us now, in this quiet moment, we beseech Thee, the benediction of Thy holy calm.

New every morning is the love our waking and uprising prove. Thou hast taught us to love truth, and goodness, and beauty.

May Thy truth make us free—free from pride and prejudice and from all the ugly sins of disposition that doth so easily beset us.

Lift us above the mud and scum of mere things to the holiness of Thy beauty so that the common tasks, and the trivial round may be edged with crimson and gold.

Enrich us with those durable satisfactions of life so that the multiplying years may not find us bankrupt in those things that matter most—the golden bonds of faith, and hope, and love.

We ask it in the name of the One whose light is the life of men. Amen.

THE JOURNAL

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

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Jones, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session,

The VICE PRESIDENT laid before the Senate a message from the President of the United States submitting a nomination, which was referred to the Committee on Armed Services.

(For nominations this day received, see the end of Senate proceedings.)

APPOINTMENTS BY THE VICE PRESIDENT

The VICE PRESIDENT. The Chair, pursuant to Public Law 74–170, appoints Senators MCCARTHY and BASS as alternates to the 55th fall conference of the Inter-Parliamentary Union to be held in Teheran, Iran, September 27 to October 4, 1966.

ENROLLED BILLS SIGNED

The VICE PRESIDENT announced that on today, August 30, 1966, he signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

S. 489. An act to authorize the establishment of the San Juan Island National Historical Park in the State of Washington, and for other purposes;

S. 490. An act to authorize the Secretary of the Interior to construct, operate, and maintain the Manson unit, Chelan division, Chief Joseph Dam project, Washington, and for other purposes;

S. 902. An act to provide that the Secretary of Agriculture shall conduct the soil survey program of the United States Department of Agriculture so as to make available soil surveys needed by States and other public agencies, including community development districts, for guidance in community planning and resource development, and for other purposes;

S. 3034. An act to authorize the Secretary of the Interior to engage in feasibility investigation of certain water resource development proposals;

S. 3688. An act to stimulate the flow of mortgage credit for Federal Housing Administration and Veterans' Administration assisted residential construction; and

S. 3700. An act to amend the Urban Mass Transportation Act of 1964.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GRUENING, from the Committee on Interior and Insular Affairs, with amendments:

S. 1377. A bill to revitalize the American gold mining industry (Rept. No. 1537).

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

H.R. 399. An act to provide adjustments in order to make uniform the estate acquired for the Vega Dam and Reservoir, Collbran project, Colorado, by authorizing the Secretary of the Interior to reconvey mineral interests in certain lands (Rept. No. 1541).

By Mr. LONG of Louisiana, from the Committee on Finance, without amendment:

H.R. 12328. An act to extend for 3 years the period during which certain extracts suitable for tanning may be imported free of duty (Rept. No. 1539); and

H.R. 12461. An act to continue for a temporary period the existing suspension of duty on certain istle (Rept. No. 1540).

By Mr. RANDOLPH, from the Committee on Public Works, without amendment:

S. 3748. A bill to provide that the Federal office building to be constructed in Detroit, Mich., shall be named the "Patrick V. McNamara Federal Office Building" in memory of the late Patrick V. McNamara, a U.S. Senator from the State of Michigan from 1955 to 1966 (Rept. No. 1543); and

H.R. 790. An act to rename a lock of the Cross-Florida Barge Canal the "R. N. Bert Dosh Lock" (Rept. No. 1542).

By Mr. MAGNUSON, from the Committee on Commerce, without amendment:

S. 3715. A bill to improve the aids to navigation services of the Coast Guard (Rept. No. 1546); and

H.R. 8000. An act to amend the Ship Mortgage Act, 1920, relating to fees for certification of certain documents, and for other purposes (Rept. No. 1545).

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

By Mr. MAGNUSON, from the Committee on Commerce, with an amendment:

S. 17. A bill to repeal certain acts relating to containers for fruits and vegetables, and for other purposes (Rept. No. 1550); and

H.R. 10860. An act to promote the general welfare, public policy, and security of the United States (Rept. No. 1544).

By Mr. MAGNUSON, from the Committee on Commerce, with amendments:

S. 3298. A bill to amend the Federal Hazardous Substances Labeling Act to ban hazardous toys and articles intended for children, and other articles so hazardous as to be dangerous in the household regardless of labeling, and to apply to unpackaged articles intended for household use, and for other purposes (Rept. No. 1551); and

H.R. 722. An act to amend certain provisions of existing law concerning the relationship of the Coast and Geodetic Survey to the Army and Navy so they will apply with similar effect to the Air Force (Rept. No. 1547).

By Mr. LAUSCHE, from the Committee on Commerce, without amendment:

S. 2893. A bill to amend section 208(c) of the Interstate Commerce Act to provide that certificates issued in the future to motor common carriers of passengers shall not confer, as an incident to the grant of regular route authority, the right to engage in special or charter operations (Rept. No. 1552).

By Mr. ERVIN, from the Committee on Armed Services, with amendments:

H.R. 3041. An act to amend title 10, United States Code, to exempt certain contracts with foreign contractors from the requirement for an examination-of-records clause (Rept. No. 1548).

ESTABLISHMENT OF THE JOSEPH H. HIRSHHORN MUSEUM AND SCULPTURE GARDEN—REPORT OF A COMMITTEE—REFERRAL OF BILL TO COMMITTEE ON RULES AND ADMINISTRATION (S. REPT. NO. 1538)

Mr. YOUNG of Ohio. Mr. President, from the Committee on Public Works, I report favorably, with amendments, the bill (S. 3389) to provide for the establishment of the Joseph H. Hirshhorn Museum and Sculpture Garden, and for other purposes. I ask that, under the authority of the order of the Senate of May 19, 1966, the bill be referred to the Committee on Rules and Administration.

The VICE PRESIDENT. The report will be received and printed; and, under the previous order, the bill will be referred to the Committee on Rules and Administration.

REPORT ENTITLED "THE MIGRATORY FARM LABOR PROBLEM IN THE UNITED STATES"—REPORT OF A COMMITTEE—INDIVIDUAL VIEWS (S. REPT. NO. 1549)

Mr. WILLIAMS of New Jersey. Mr. President, from the Committee on Labor and Public Welfare, I submit a report entitled "The Migratory Farm Labor Problem in the United States," pursuant to Senate Resolution 188, 89th Congress, 2d session. I ask unanimous consent that the report be printed, together with the individual views of the Senator from California [Mr. MURPHY].

The VICE PRESIDENT. Without objection, the report will be received and printed, as requested by the Senator from New Jersey.

REPORT ENTITLED "CONSTITUTIONAL RIGHTS"—REPORT OF A COMMITTEE (S. REPT. NO. 1553)

Mr. ERVIN. Mr. President, from the Committee on the Judiciary, I submit a report entitled "Constitutional Rights," pursuant to Senate Resolution 43, 89th Congress, and ask that it be printed.

The VICE PRESIDENT. The report will be received and printed, as requested by the Senator from North Carolina.

BILLS INTRODUCED

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

By Mr. LONG of Missouri (for himself, Mr. HART, and Mr. KENNEDY of New York):

S. 3783. A bill to establish the office of Ombudsman in the District of Columbia; to the Committee on the District of Columbia.

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

By Mr. EASTLAND (for himself, Mr. BAYH, Mr. BIBLE, Mr. BOGGS, Mr. BURDICK, Mr. COOPER, Mr. DIRKSEN, Mr. DODD, Mr. ERVIN, Mr. FONG, Mr. HART, Mr. HRUSKA, Mr. JAVITS, Mr. KENNEDY of Massachusetts, Mr. LONG of Missouri, Mr. MCCLELLAN, Mr. SCOTT, MR. SMATHERS, and Mr. TYDINGS):

S. 3784. A bill to amend the act incorporating the American Legion so as to redefine eligibility for membership therein; to the Committee on the Judiciary.

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

By Mr. MAGNUSON:

S. 3785. A bill to authorize a program of research, development, and demonstration of electrically powered vehicles; to the Committee on Commerce.

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

By Mr. ANDERSON:

S. 3786. A bill to amend the Communications Act of 1934 in order to require that the public interest of the areas to be served be the sole consideration in the allocation of certain facilities pursuant to such act; to the Committee on Commerce.

RESOLUTION

DEATH OF CHARLES L. WATKINS, PARLIAMENTARIAN EMERITUS OF THE SENATE

Mr. MANSFIELD (for himself and Mr. DIRKSEN) submitted a resolution (S. Res. 299) relative to the death of Mr. Charles L. Watkins, Parliamentarian Emeritus of the Senate, which was considered and agreed to.

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

COMMITTEE MEETINGS DURING SENATE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Permanent Subcommittee on Investigations and the Subcommittee on Executive Reorganization of the Committee on Government Operations was 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.

OMBUDSMAN FOR THE DISTRICT OF COLUMBIA

Mr. LONG of Missouri. Mr. President, on behalf of myself and Senator PHILIP A. HART and Senator ROBERT F. KENNEDY, I am today introducing a bill to create an Ombudsman for the District of Columbia. Ombudsman is a Scandinavian word which literally means "one who represents someone." It is my belief that the 800,000 residents of the District of Columbia are presently not being represented by anyone. Perhaps it would be more appropriate to say that the citizens of the District of Columbia are being represented by 535 ombudsmen—the Senators and Representatives assembled in Congress. In either event, too much or too little representation is not effective representation.

The Senate Subcommittee on Administrative Practice and Procedure, of which I am chairman, recently heard Mr. Alfred Bexelius, the distinguished Ombudsman from Sweden, explain the functions and nature of his office. He informed us that what he does is not spectacular; the problems he works on are often petty problems. For example, a homeowner complains about a burned-out street light or a pothole in the street in front of his house; a lady on welfare is not getting her relief check on time; or a citizen feels that he has been treated harshly by a neighborhood policeman.

The problems which confront our citizens are often small ones; but to the individual citizen, they are very serious. The citizen does not always know where to turn for help, nor does he have the money to hire competent counsel to help him in his battles against city hall. Quite often, the citizen is afraid to write or confront public officials.

To attempt a solution to these citizens' problems, the Justice Department's Office of Law Enforcement Assistance recently granted $122,677 to the United Planning Organization for the purposes of creating a Citizen's Information Service for the District of Columbia. This new service will begin around September 1. Its primary function will be to help citizens when they have legal problems or when they believe they need the as-

sistance of a lawyer. Officials at the United Planning Organization are most enthusiastic about our plan to create an ombudsman for the District of Columbia. They feel that the Citizen's Information Service, combined with an ombudsman, would effectively cover most of the problems which confront our citizens today.

Recently, Jack Jurey, in a WTOP editorial, commented that a resident of the District of Columbia quickly learns two lessons as he attempts to deal directly with the District of Columbia government:

First—

Mr. Jurey said—

it is always difficult and sometimes virtually impossible to reach the official directly involved in a citizen's complaint. Second, that the official, if he is finally located, is too often unresponsive to some of the normal pressures of public office.

I want to make it perfectly clear that I have not introduced this bill to create an ombudsman because I find fault with the operation of the District of Columbia government. Commissioner Walter Tobriner and the other Commissioners of the District of Columbia are to be complimented for their sincerity and honesty, and for the efficient way in which they guide the government of the District of Columbia. But, as Mr. Jurey pointed out:

In any other American city, a taxpayer may call his mayor or councilman and place a detailed, specific complaint about some error of commisson or omission. There is no such official representing our citizens here in the District of Columbia.

As the problems of the District grow more complex and sophisticated, it becomes essential for residents of the District to have elected officials represent them in matters of local concern. For this reason, I voted for the Senate-passed home rule bill, and will continue to support principles of local self-government.

But even when home rule becomes a reality here in the District of Columbia, it is my opinion that good government requires an additional element. I firmly believe that some form of ombudsman must be created here in the District of Columbia. This Ombudsman is a citizen's defender, the man who fights city hall. Currently, the Washington Evening Star has been running a daily column entitled "Action Line." This column is today our ombudsman, for it helps local residents when they have their troubles with local government. It cuts away the bureaucratic redtape and gets what its name implies—action. But I am sure that even "Action Line" has been unable to cut across all of the redtape. The Ombudsman which would be created through the enactment of the bill which I have today introduced would have sufficient authority—delegated by the Congress of the United States—to seek the needed information and investigate all complaints.

The Ombudsman which I am today proposing shall be appointed by the President, with the advice and consent of the Senate. He shall be appointed without reference to political affiliations and solely on the basis of his or her fitness to perform the duties of the office. The Ombudsman shall be learned in the process of law and government and shall have a distinguished intellectual standing in the legal profession. I was extremely impressed by Mr. Bexelius' background, which included nearly 30 years as a judge in the various law courts of Sweden.

The Ombudsman shall hold office for a period of 3 years. He may be reappointed, but in no case shall he hold the office for more than four full terms, or a total of 12 years. According to the provisions of the bill which I have introduced, the Ombudsman shall receive compensation equal to that of the chief judge of the District of Columbia Court of Appeals; it is my understanding that this salary is now set at $25,000 per year.

Basically, the Ombudsman shall have jurisdiction to investigate any oral or written complaints submitted by any resident of the District of Columbia, where the complaint relates to an action or inaction taken by any agency of the government of the District of Columbia. The bill specifically excludes from the jurisdiction of the Ombudsman the courts, any entity of the Federal Government, any multistate government entity or compact, and the District of Columbia Commissioners and their personal staff.

When the Ombudsman investigates a complaint, he shall have authority not only to hold private hearings with both the complaining individual and agency officials, but also where necessary to enter and inspect the premises of an agency, and to make inquiries and obtain any and all information from the agency or agencies as the Ombudsman thinks fit. The Ombudsman shall inform the complainant of the results of his investigation. Furthermore, the Ombudsman is required to present his opinions and recommendations to the Commissioners of the District of Columbia, to the District Committees of the Senate and House of Representatives, and to the public.

The Ombudsman shall not have authority to correct the situation on his own motion. The Ombudsman does not have authority to change agency actions. The Ombudsman does not have authority to bend the law. The Ombudsman only has authority to take a complaint, fully investigate it, and report to an appropriate official what suggestions and changes may be necessary to help the individual resident of the District of Columbia.

I am introducing this bill to create an Ombudsman for the District of Columbia for two reasons. First, it is my opinion that the residents of the District of Columbia need this citizen's defender, this public protector. Additionally, the concept of ombudsman is a most fascinating one. At this point, it is not possible—nor even desirable—to introduce an ombudsman for the entire United States. We have not studied the matter long enough to be able to determine whether what is good for a nation of 7 million is good for a nation of 190 million. The Subcommittee on Administrative Practice and Procedure intends to continue its study of the concept of ombudsman, and shall follow with interest the development of the District of Columbia Ombudsman.

Mr. President, therefore, on behalf of myself, the senior Senator from Michigan, and the junior Senator from New York, I introduce for appropriate reference, a bill to create an Ombudsman for the District of Columbia.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 3783) to establish the Office of Ombudsman in the District of Columbia, introduced by Mr. LONG of Missouri (for himself and other Senators), was received, read twice by its title, and referred to the Committee on the District of Columbia.

AMENDMENT OF ACT INCORPORATING THE AMERICAN LEGION SO AS TO REDEFINE ELIGIBILITY FOR MEMBERSHIP THEREIN

Mr. EASTLAND. Mr. President, I introduce, for appropriate reference, on behalf of myself and the following Members of the Senate: Mr. BAYH, Mr. BIBLE, Mr. BOGGS, Mr. BURDICK, Mr. COOPER, Mr. DIRKSEN, Mr. DODD, Mr. ERVIN, Mr. FONG, Mr. HART, Mr. HRUSKA, Mr. JAVITS, Mr. KENNEDY of Massachusetts, Mr. LONG of Missouri, Mr. MCCLELLAN, Mr. SCOTT, Mr. SMATHERS, and Mr. TYDINGS, a bill to amend the Federal Charter of the American Legion to extend Legion membership to veterans of the Vietnam conflict.

This proposed legislation is being introduced pursuant to the action taken by the American Legion meeting in national convention at the Washington Hilton Hotel today, whereby the national convention adopted a resolution creating a new eligibility period for American Legion membership for those who serve in the U.S. military forces in the Vietnam hostilities.

Membership in the American Legion is limited by its Federal charter to those persons who have served in the military or naval forces of the United States during the following periods: April 6, 1917 to November 11, 1918—World War I; December 7, 1941, to September 2, 1945—World War II; and June 25, 1950, to July 27, 1953. It is the desire of the American Legion, as expressed by its national convention this morning, that the membership category be enlarged to include those persons in the U.S. military and naval forces who have served, are now serving, or will hereafter serve with those forces in the Vietnam hostilities.

Inasmuch as the American Legion is now meeting in national convention here in Washington, I believe it is entirely fitting during this time for Congress to act to extend membership to veterans of the Vietnam conflict in this outstanding organization.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 3784) to amend the act incorporating the American Legion so as to redefine eligibility for membership therein, introduced by Mr. EASTLAND (for himself and other Senators), was received, read twice by its title, and referred to the Committee on the Judiciary.

ELECTRICAL VEHICLE DEVELOPMENT BILL

Mr. MAGNUSON. Mr. President, I introduce for appropriate referral, a measure which has the potential of alleviating the increasing environmental hazards caused by concentrations of combustion-powered vehicles in this Nation's urban areas. This bill is entitled the "Electric Vehicle Development Act," and will promote the rapid development of alternative electrical means of propulsion and development of totally new vehicles to do the tasks now being performed by combustion-powered automobiles, trucks, buses, and other means of transportation.

Some estimate that, even with the application of carbon monoxide and hydrocarbon control devices to combustion engines, present measures will be inadequate by 1980. At that point, the increasing number of combustion vehicles will outdistance the effectiveness of pollution controls, and air pollution will take a dramatic rise. It should be remembered that automobile pollution control devices only reduce and not eliminate exhaust pollutants.

The more than 70 million automobiles now in use in this country make a significant, possibly a major, contribution to the air pollution in our cities and towns. Motor vehicles in the United States are said to cause over one-half of the air pollution problem. Carbon monoxide, lethal lead compounds, carcinogen benzpyrene and other unpleasant and toxic molecules are being discharged into the air we breathe every day by these vehicles. Studies by the Department of Health, Education, and Welfare have shown that serious biological effects to animal and plant systems are attributable to emissions from automobiles. These effects will increase as the number of combustion-type vehicles increase. There have been predictions that the gain in fuel consumption and population of automobiles will, in 1980, double that of 1960, and double again by the year 2000.

There is an obvious trend toward increasing population concentration in our urban areas. Studies have shown that there is a positive correlation between the size of the community and the detrimental effects of air pollution in that community. Over one-half of our population now lives on less than 1 percent of the land area of the United States; and by 1970, it is expected that two-thirds of an even greater population will be concentrated in the same urban area. Accompanying the concentration of people is the concentration of internal combustion vehicles and hence a concentration of air pollution sources.

Air pollution is not the only unpleasant problem facing people living in urban areas. There is a continuing crisis in mass transportation which makes it imperative that we begin to explore radically new alternatives in transporting large numbers of persons. Automobiles are clogging the streets of our large cities making travel slow and unpleasant.

Recently, a columnist stated that nothing much will be done about city traffic until the "moment of total paralysis and the incidence of lung and throat ailments finally prove that something must be done." This columnist, Howard K. Smith, suggested that one step which could be taken now would be to provide a fleet of drive-yourself electric, two-seater cars for inner-city drivers, with a coin-operated meter to be fed every few miles. He also pointed out that today's large gasoline-powered vehicles can scarcely travel as fast in our urban areas as a horse-drawn wagon traveled half a century ago.

I am hopeful that we will not have to wait until the "moment of total paralysis" to begin exploring new alternatives to urban congestion. Under the terms of this bill, research could begin at once toward the development of electrically powered vehicles to be used in conjunction with a high-speed electric mass transit system bringing people into the city core.

The environmental discomforts, air pollution dangers, and congestion problems caused by increasing numbers of combustion-powered vehicles make it imperative that we take immediate steps in the development of electrically-powered vehicles as an alternative means of transportation. This was also the conclusion of the 1965 report of the Environmental Pollution Panel of the President's Science Advisory Committee, which stated:

> We recommend that the Federal Government exert every effort to stimulate industry to develop and demonstrate means of powering automobiles and trucks that will not produce noxious effluents. Less complete steps to reduce pollution from automobile exhausts will certainly play an important role. We must strive for more acceptable mass transportation. We must follow carefully the results of California's imposition of special regulations, and be prepared to extend those that prove effective to other smog-ridden localities. But we must also be prepared, as soon as reasonably may be, to take more drastic action, if, as, and when necessary. The development of alternative means of mobile energy conversion, suitable for powering automobile transport of all kinds, is not a matter of 1 year or a few years. Thus, if fuel cells or rechargeable batteries, or other devices are to be developed in time to meet the increased threat, we need to begin now.

Another topic which is receiving more attention and study is that of the detrimental effect of excessive noise. Urban areas in particular have been plagued by excessive noise produced by combustion vehicles. I anticipate that noise abatement measures will grow to become a major area of interest to all who are concerned with the quality of our environment. Electrically powered vehicles can make a major contribution to noise control by reducing a most significant cause of city noise—the combustion engine. Mr. KUPFERMAN in the House of Representatives has elaborated on the subject of noise abatement.

The concept of electrically powered vehicles is not new. During the early stages in the development of the automobile, battery power was used as a means of propulsion. These cars were limited in range and power. Though they were simple to operate and maintain, their top speed did not exceed 25 miles per hour and their batteries required recharging every 60 miles. It was not until recently that a revival of electric vehicles has taken place. There has been little improvement in finding the solution to the problems of power and range, but these vehicles are suitable for a number of tasks in industry.

There are an estimated 100,000 battery-powered material-handling trucks operating in American industrial plants and warehouses. Electrically powered vehicles are also being used in our Nation's coal mines, and more recently, some electric delivery trucks are being used for door-to-door delivery. These vehicles are demonstrating that even within the limits of present technology, they can perform their jobs in a clean, efficient, silent manner.

In Great Britain, tremendous gains have been made in the development of electric vehicles. Today, there are over 40,000 battery-powered urban delivery vehicles which are engaged in short-haul deliveries requiring frequent stops and a limited total mileage basis. The Electricity Council of Britain is currently demonstrating four battery-powered automobiles, which are capable of attaining speeds of 35 to 40 miles per hour, for a distance of 20 to 40 miles on a single battery charge.

The significance of these vehicles is that they are specially designed for battery power and are not just modified conventional cars. This is an important distinction that must be made in our own research and development programs, and would be made under the terms of this bill. When automobiles designed for internal combustion engines are modified for propulsion by electric power, the excess weight and wasted space inherent to the vehicle itself makes such adaptions impractical and wasteful.

The vehicles being demonstrated by the Electricity Council are said to be particularly adaptable to the urban conditions of Great Britain. The outlook is so promising that the council has predicted that within 10 years a million battery-driven automobiles will be operating in Great Britain.

Other significant developments are occurring in the field of mass urban transportation, which show a great potential for electrification of commuter vehicles. In Germany, a battery-powered commuter train has been developed which can accelerate to 60 miles per hour in 60 seconds, and is capable of carrying 150 people.

Though these gains in the technology of electric vehicles in other parts of the world are impressive, no significant development has yet demonstrated that such vehicles will be available to the

American public in the near future. A significant effort is needed to develop electric vehicles suitable for performing the tasks of transporting people and material, which are currently being performed by combustion-type vehicles. Such development is imperative so that electric vehicles will become a reasonable alternative to the traveling public. Only by new breakthroughs will there be wide acceptance of the electric vehicle which can provide an answer to the problems created by concentrations of combustion-type vehicles.

Even with its present limitations on driving range and speed, the electric car today could play a role in providing transportation for people in our urban areas. According to studies by the Regional Planning Association of the New York Metropolitan Area, the average auto speed over major arteries leading into the city during rush hours is 13 miles per hour. In the city itself, this average slows to 8.5 miles per hour. The study also showed that 28 percent of these cars travel less than 50 miles per day. Under these conditions, it is obvious that large combustion vehicles are unnecessary, and that electrically powered vehicles could perform equally as well.

Manufacturers of batteries and industrial electric vehicles presently are selling good products, and are ably serving the existing market. Because this market is limited, however, the research work being carried on by these manufacturers has been hampered. The strong, responsible leadership required to produce vehicles for the purpose of providing an alternative to combustion vehicles has not emerged.

The bill which I have introduced today insures that all interested manufacturers will have access to the technological advances developed under it. It specifically requires that the research products of this measure be made available by the Secretary of Commerce.

By stimulating and focusing the efforts of the Government on the development of electric vehicles, we can bring to fruition a concept which has been talked about but never pushed to full-scale reality. Out of this measure, I am sure, will come the strong industrial leadership, armed with the necessary technological tools, which is needed to bring the electric vehicle to the market.

The terms of this measure provide for full cooperation by the Secretary of Commerce, with other Federal agencies and departments. Presently, these agencies are purchasing large numbers of combustion vehicles. This Congress and the President have supported a policy which places antipollution responsibilities in governmental agencies. This measure is consistent with that policy, and I hope that research will show that many of the combustion vehicles now being purchased by Federal agencies can be replaced by appropriate electrically powered vehicles.

Currently, there is a limited amount of research being performed by the Federal Government which relates to the development of electric vehicles. This proposal would centralize the current research and coordinate all governmental efforts being made in the area of battery, fuel cell, and vehicle development to bring such vehicles into general usage. Much of the current research is being done for purposes of defense and the bill makes specific provision that technical disclosures are not required where security requires that the information be kept a secret.

The thrust of this measure is threefold: First, the development of batteries and fuel cells which are powerful and lightweight; second, development of vehicles which are specifically designed for propulsion by electrical power produced by these batteries or other electrical sources of energy, such as fuel cells, and, third, construction of prototype vehicles to demonstrate their ability in performing the tasks presently required of combustion-type vehicles.

Batteries presently available are not suitable for electric-car use because they are too heavy and too expensive. Improvements have been made in lead-acid batteries, but these modifications have been aimed at meeting the requirements of the present market. Recently, there have been announcements relating to the development of a prototype zinc-air battery and a successful demonstration of a lithium battery. In the past 10 years, the traditional lead-acid battery and the nickel-iron battery have been joined by the nickel-cadmium, nickel-silver, silver-zinc, silver-cadmium, and mercury batteries. These are promising developments, but the technical objections are essentially the same when these batteries are used to propel automotive vehicles. A major and immediate research effort could very well show that these technical limitations will be overcome.

The electric vehicles which have been developed at this point have not been specifically designed for electrical propulsion. Models being tested in Great Britain are the first to bring together electrical propulsion and vehicles designed for that source of power. Electric vehicles must be developed which incorporate radically new methods of braking, chassis design, controls, and auxiliaries. This is a concept of total research in an effort to demonstrate that practical, safe, and efficient electric vehicles of all types can perform a large portion of our transportation needs.

Under the measure which I have introduced today, prototype vehicles are to be constructed, if research into battery, fuel cells, and vehicle design shows that electric vehicles are capable of performing many of the tasks now being performed by combustion-powered cars and trucks. By building such prototype vehicles, an impressive demonstration of their capabilities can be made to industry and the public.

I am hopeful that the results of this research will show that electric vehicles are capable of meeting the requirements of transportation which the Nation requires. Our transportation industry is called upon to do many jobs; this bill would place the tools of progress at its disposal. By doing so, we may insure that electric vehicles will be developed which can meet the needs of the commuter, the trucker, the shopper, and the traveler.

The air pollution, urban congestion, noise, and environmental discomforts caused by the increasing concentration of vehicles powered by internal combustion engines in our urban areas is contrary to the policy so often enunciated by this Congress, which is to promote the full development of modern transportation methods that do not impair the health and well-being of our Nation's citizens. The quality of life which the citizens of this Nation desire and deserve is being threatened by the economic and social ills which combustion-caused congestion and pollution promote. Congress has a clear responsibility to see that electrically powered vehicles are developed now, not after irreparable damage has been done.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 3785) to authorize a program of research, development, and demonstration of electrically powered vehicles, introduced by Mr. MAGNUSON, was received, read twice by its title, and referred to the Committee on Commerce.

TEACHERS EDUCATIONAL EXPENSES—AMENDMENT

AMENDMENT NO. 779

Mr. HARTKE. Today I am submitting, on behalf of myself, Mr. JAVITS, and Mr. CARLSON, an amendment to do by legislation what the Internal Revenue Service in its proposed ruling published in the Federal Register on July 7, after years of efforts by the teachers, has failed to do. The amendment is intended for consideration by the Finance Committee as title III in the so-called tax lien bill, H.R. 11256, which was reported by the Ways and Means Committee on August 24 and whose passage by the House is expected shortly. This is in accord with the statement I made on July 29, when I said:

> It is my intention in the near future to present, probably with some suitable changes, the substance of S. 1203 as an amendment to an appropriate House-passed measure as it comes before us in the Finance Committee.

Most Members of the Senate are well acquainted with the problem which this amendment is aimed to resolve. S. 1203, which was previously introduced as S. 2609 in the 88th Congress, has 28 cosponsors. Since the July 7 proposed rules were published, Senator GRIFFIN introduced a bill, S. 3565, which is very nearly the same as this amendment, and which has 17 cosponsors. Likewise, Senator TALMADGE introduced since that time S. 3641. In doing so, on July 23 he made a very fine analysis of the situation and had the entire text of the proposed regulations of the Internal Revenue Service printed in the RECORD. Senator INOUYE on August 16 introduced Senate Concurrent Resolution 105 dealing with the same question in which it is stated as the sense of Congress that the proposed regulations "should not be made effective or enforced until the Congress has by law conferred the authority to make such regulations on the Internal Revenue Service."

Others have lifted their voices in protest at this effort to eliminate even more than under the old regulations the tax deductions available to teachers for the expenses of their continuing education. Among them have been Senator TOWER and Senator YARBOROUGH. All told, without duplication, no less than 45 Senators have sponsored bills to accomplish what this amendment is designed to do. In addition, numerous Members of the House have similarly spoken out and offered bills to provide teachers with the deduction of educational expense which so many of us believe is wise and desirable public policy.

With so many Members well informed on this question, I do not feel it necessary again to comment at length on the substance of this proposal. However, in order to show the history of the controversial actions of the IRS in this connection, I believe it will be useful for Members to have available a chronological record, compiled by the Research Division of the National Education Association, of the continuing efforts that organization has made ever since 1958.

I therefore ask unanimous consent that the document, "Educational Expenses: A Brief Chronology," may appear at the close of my remarks, together with the text of the Hartke-Javits-Carlson amendment.

The VICE PRESIDENT. The amendment will be received, printed, and appropriately referred; and, without objection, the amendment and chronology will be printed in the RECORD.

The amendment (No. 779) was referred to the Committee on Finance, as follows:

AMENDMENT NO. 779

At the end of the bill insert the following:

"TITLE III—MISCELLANEOUS PROVISIONS

"SEC. 301. Deductibility of educational expenses of teachers.

"(a) Deductible Expenses.—Section 162 (relating to trade or business expenses) is amended by redesignating subsection (f) as (g), and by inserting after subsection (e) the following new subsection:

"'(f) Certain Educational Expenses of Teachers.—

"'(1) In general.—In the case of a taxpayer who is a teacher during the taxable year or who was a teacher during any of the 4 preceding taxable years, and who attended an institution of higher education during the taxable year, the deduction allowed by subsection (a) shall include the ordinary and necessary expenses paid or incurred by him during the taxable year for—

"'(A) tuition and fees required for his attendance at such institution, for courses for academic credit pursued by him at such institution, or for an academic degree;

"'(B) books, supplies, and materials required for courses for academic credit pursued by him at such an institution or for an academic degree; and

"'(C) traveling expenses (including amounts expended for meals and lodging other than amounts which are lavish or extravagant under the circumstances) while away from home attending such institution.

"'(2) Educational travel.—In the case of a taxpayer who is a teacher during the taxable year or who was a teacher during any of the 4 preceding taxable years, the deduction allowed by subsection (a) shall include the ordinary and necessary expenses paid or incurred by him during the taxable year for travel while away from home (including amounts expended for meals and lodging other than amounts which are lavish or extravagant under the circumstances), if—

"'(A) academic credit is given for such travel by an institution of higher education, or

"'(B) such travel is accepted by the taxpayer's employer in satisfaction of educational requirements set by such employer or by the State in which the taxpayer is employed as a teacher.

"'(3) Definitions.—For purposes of this subsection—

"'(A) The term "teacher" means an individual who is employed as a classroom teacher at an educational institution, or a supervisor, administrator, advisor, or consultant in any capacity related to the instructional program of such an institution (including but not limited to guidance counselors and librarians).

"'(B) The term "educational institution" means an educational institution as defined in section 151(e)(4).

"'(C) The term "institution of higher education" means an educational institution which is authorized to confer baccalaureate or higher academic degrees.

"'(4) Exceptions.—

"'(A) Paragraphs (1) and (2) shall not apply to any expense paid or incurred by the taxpayer prior to the time he first performs services as a teacher.

"'(B) Paragraphs (1) and (2) shall not apply to any expense paid or incurred by the taxpayer for the purpose of obtaining, or qualifying for, employment other than as a teacher.'

"(b) Deduction from gross income.—Section 62(2) (relating to definition of adjusted gross income) is amended by adding at the end thereof the following new subparagraph:

"'(E) Educational expenses of teachers.—The deduction allowed by section 162(f) for the educational expenses of teachers.'

"(c) Effective date.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act."

The chronology, presented by Mr. HARTKE, is as follows:

[From the NEA Research Division, July 22, 1966]

EDUCATIONAL EXPENSES: A BRIEF CHRONOLOGY, APRIL 5, 1958–JULY 22, 1966

In 1961, the Research Division prepared a brief chronology on this topic for the period April 5, 1958–March 23, 1961. The full text of that is included below. Exhibits mentioned are not included.

Because of the interest aroused by the recently issued proposed regulation of IRS, the Research Division was requested to bring the 1961 memorandum up to date. Following the text of the 1961 memo is the new material.

The new material includes not only NEA activity, but also a brief notation of pertinent court decisions, because of their importance. It should be noted that in most of these cases the decisions favored the teachers, not the Internal Revenue Service.

"MARCH 23, 1961.

"TEACHERS' EDUCATIONAL EXPENSES—BRIEF CHRONOLOGY OF DEVELOPMENTS SINCE ISSUANCE OF TD 6291 ON APRIL 5, 1958

"The National Education Association believes that the expense incurred in going to college is an ordinary, necessary, and customary business expense of those in the teaching profession and therefore deductible for Federal income tax purposes. The Association has held this view for many years and has endeavored to have it accepted by the Treasury Department. Finally in 1958, the Association came to the conclusion that the solution to the problem lay in legislation rather than in regulation by the Internal Revenue Service.

"What follows is a brief history of the events which occurred after the Spring of 1958, when H.R. 4662 (the King-Jenkins bill) seemed certain of passage. The bill concerned the deductibility of educational expenses.

"April 5, 1958: T.D. 6291 was issued by the Internal Revenue Service. It was the opinion of many that the passage of the bill was therefore unnecessary. Then Secretary of the Treasury Anderson stated:

"'The expenses incurred by a teacher for education may be deducted even though such expenses are incurred voluntarily and even though the courses taken carry academic credit or result in an increase in salary or promotion. This, in effect, removes the distinction previously drawn between self-employed persons and employees such as teachers.'

"November 1958: By this date, it was necessary for the NEA Research Division to issue a memorandum on the difficulties teachers were encountering in attempting to deduct educational expenses under T.D. 6291. However, the Association believed that at least a year of experience was needed under the ruling before it should take further steps, such as supporting legislation.

"April 1959: The year April 1958–April 1959 was chaotic. In order to dramatize the problems and their extent, the Association prepared a 112 page brochure which outlined the difficulties and included examples of the problems from letters received from teachers across the country. It was presented to the Secretary of the Treasury with a request that a meeting be held between treasury staff and NEA staff to discuss the matter.

"June 15, 1959: NEA and Treasury officials and staff met and discussed the problems presented in the brochure. Treasury officials stated that a clarifying ruling would be issued—probably by the first of the year—January 1960.

"July–December 1959: NEA staff members were in contact with IRS staff members who were preparing the ruling.

"January 1960: Dr. Carr wrote Mr. Scribner, Under Secretary of the Treasury, requesting information on the possible date of issuance of the new ruling.

"February 23, 1960: NEA staff were invited to discuss the proposed new ruling with the IRS staff. NEA staff were given the opportunity to submit suggestions for change. These suggestions were few, and were submitted the following day. Two of the NEA recommended examples were included in the final version of the regulation.

"March 14, 1960: Rev. Rul. 60–97 was issued which clarified T.D. 6291. It did not contain information on the deductibility of expenses incurred as a result of educational travel. The NEA was informed that this matter would be covered in a separate ruling to be issued by the first of the year—January 1961.

"March 31, 1960: Tax Court held, where teacher was required to satisfy school board rule either to travel or to take summer courses and chose the latter, that the educational travel expenses were deductible as an ordinary and necessary business expense; the expenses were incurred primarily to meet express requirements of the teacher's employer. *Sanders* v. *Commissioner*, T.D., Docket No. 77757. Case digested in Research Division Memo.

"March 1961: The 'travel' ruling has not yet been issued. Rev. Rul. 60–97 undoubtedly cleared up many of the difficulties which had arisen under T.D. 6291. There are cases in which, in the opinion of the NEA, the rulings are not being interpreted properly. The major difficulty remaining (other than lack of information on educational travel deductions) is the determination of who is an established teacher. (When has a teacher met minimum qualifications.) Even when Rev. Rul. 60–97 is properly interpreted it is

the opinion of the National Education Association that the application of the provisions on meeting minimum qualifications for establishment in the profession result in inequities not only between teachers and those outside the profession, but among the teachers themselves.

"March 21, 1961: Dr. Carr wrote the Treasury Department requesting information on the possible date of issuance of the ruling on educational travel.

"April 28, 1961: Tax Court held, deduction allowed to a teacher who took certain prescribed courses during the summer in order to qualify for an emergency certificate, without which she could not continue to teach. The fact that the courses also served to secure a bachelor's degree and a permanent certificate was considered to be incidental. *Johnson* v. *Commissioner*, T.C. 1961–119, Docket No. 81378. Case supported by Oregon Education Association. Case digested in Research Division Memo.

"June 5, 1961: Mr. Surrey, Assistant Secretary of the Treasury, responded to Dr. Carr's letter of March 21, 1961, stating that a draft ruling on educational travel was under review.

"June 14, 1961: The NEA Research Division reported to Dr. McCaskill on developments under Rev. Rul. 60–97. Difficulties remaining were educational travel (no ruling yet issued), cases involving minimum requirements, and cases involving professors who did not hold doctorates.

"June 19, 1961: U.S. Court of Appeals held: An assistant professor who pursued studies leading to a Ph. D. degree could deduct the cost of the education for federal tax purposes. The court concluded that the educational expenses were incurred in order for the professor to maintain his status and salary. The fact that the doctoral studies would also influence future promotion and salary advances was held to be incidental. *Devereaux* v. *Commissioner of Internal Revenue*, United States Court of Appeals, Third Circuit, June 19, 1961, 292 F. (2d) 637. Case digested in Research Division Memo.

"October 23, 1961: U.S. District Court held: A teacher holding a provisional certificate could deduct expenses incurred for education undertaken to secure a standard certificate obtainable upon completing a fifth year of education at the graduate level. The expenditures for the education were to meet express requirements of his employer imposed as a condition to the retention of salary, status, or employment. *Michaelsen* v. *United States of America*. United States District Court. E. D. Washington, N. D., October 23, 1961, 203 F. Supp. 830.

"March 28, 1962: Tax Court held, educational expenses incurred by assistant professor of economics to obtain a doctorate degree were deductible, since the education was not undertaken to meet minimum requirements for qualification for a position of assistant professor, but was undertaken primarily to meet express requirements of the university, imposed subsequent to the professor's initial employment, as a condition to the retention by the professor of his salary, status, or employment as an assistant professor. *Robertson* v. *Commissioner of Internal Revenue*, 37 T.C. 1153, Docket No. 87616. IRS Commissioner acquiesced in this decision. Case digested in Research Division *Memo*.

"April 23, 1962: Tax Court held, a teacher who took full-time graduate studies leading to a Ph. D. degree in education during a leave of absence from her position, could deduct the cost of the education, including travel and meals and lodging while temporarily away from home. The additional courses taken by the teacher were deemed by the court to be for a purpose of maintaining and improving skills she already had and were related to her duties as a visiting teacher. *King* v. *Commissioner of Internal Revenue*, T.C. 1962–93, Docket No. 90696. Case digested in Research Division *Memo*.

"May 14, 1962: NEA Research Division reported to Dr. Lumley on 1961–62 correspondence from members on educational expenses. Educational travel and minimum requirements continued to be the most difficult problems. Most correspondence from teachers having difficulty came from Kansas, Ohio, and Pennsylvania.

"June 5, 1962: Tax Court held, a teacher was allowed to deduct the cost of a two-week travel course to Mexico undertaken to meet the school board's requirement that all teachers earn the equivalent of six semester hours of additional training every three years to be eligible for salary increases under the salary schedule. The teacher was entitled to the tax deduction since the education was required to preserve existing salary rights, including rights to annual salary increments. *Truxall* v. *Commissioner of Internal Revenue*, T.C. Memo 1962–137, Docket No. 87125. Case digested in Research Division Memo.

"June 19, 1962: Dr. McCaskill drafted proposed legislation to overcome the difficulties encountered under the rulings.

"June 29, 1962: Tax Court held, an assistant professor of business was entitled to deduct expenses for graduate studies relating to his teaching position. The court found that the primary purpose of the education was to increase the quality of his teaching, and not, as the IRS Commissioner claimed, to meet minimum requirements to qualify him for the position. Although the courses led to a master's degree, and may have resulted in advancement in salary and academic rank, these factors were incidental. *Lane* v. *Commissioner of Internal Revenue*, T.C. Memo 1962–179, Docket No. 86374. The IRS Commissioner acquiesced in this decision. Case digested in Research Division Memo.

"January 31, 1963: U.S. Court of Appeals held: Affirmed the decisions of the Tax Court that an Oregon teacher was entitled to deduct expenses for prescribed courses taken to qualify for an emergency certificate without which she could not continue in her position. The Circuit Court found it necessary to decide whether the teacher had met Oregon's minimum requirements for teaching. Even if she had not, "the incurring of this expense was required by her employer as a condition to continuing to be employed in her emergency status." The second objective, to obtain permanent certification, did not bar the tax deduction. *Commissioner of Internal Revenue* v. *Johnson*, United States Court of Appeals for the Ninth Circuit, January 31, 1963, 313 F. 2d 688. Case digested in Research Division Memo.

"January 31, 1963: U.S. Court of Appeals held: Upheld a District Court ruling that a Washington teacher holding a provisional certificate could deduct expenses for education undertaken to secure a standard certificate obtainable upon completing a fifth year of education at the graduate level, and which the teacher was required to have in order to continue teaching. The court ruled that the teacher had met minimum requirements by the provisional certificate which certified that he was presently qualified to teach. The conditions imposed upon the teacher's right to the standard certificate were not entry into the teaching profession but for continuing in it. *United States* v. *Michaelsen*, United States Court of Appeals for the Ninth Circuit, January 31, 1963. 313 F. 2d 668. Case digested in Research Division Memo.

"February 7, 1963: Tax Court held: Educational expenses an Ohio teacher incurred to renew a provisional certificate were tax deductible even though the education led to a bachelor's degree and qualified the teacher for a permanent certificate and a higher salary. *Hartwich* v. *Commissioner of Internal Revenue*, Tax Court of the United States, T.C. Memo 1963–36, Docket No. 92381. Case digested in Research Division Memo.

"March 11, 1963: Washington Education Association on learning Seattle IRS District Director was not processing cases similar to Michaelsen case requested action from District Director.

"March 21, 1963: Seattle IRS District Director replied to WEA stating he was wiring Washington IRS office for instructions regarding pending cases.

"May 20, 1963: Tax Conference on Teachers' Educational Expenses held at NEA center, at invitation of Federal Relations Division. Participants were from NEA, and state and local staffs. Discussion centered on difficulties encountered under the rules and possible ways to correct them.

"July 16, 1963: Tax Court held, a teacher's expenses for voluntary educational travel were tax deductible. The court held that 50 percent of the expenses the teacher incurred for travel, meals, and lodging on a European tour was attributable to maintaining and improving his required skills as a teacher in the elementary grades and therefore deductible. *Neschis* v. *Commissioner of Internal Revenue*, T.C. Memo 1963–191, Docket No. 92022. Case digested in Research Division Memo.

"September 20, 1963: Federal Relations Division wrote Treasury suggesting proposed amendments to the regulations which would clear up difficulties, particularly regarding minimum requirements and educational travel.

* * * * *"

"January 22, 1964: Mrs. GRIFFITHS introduced H.R. 9709 in 88th Congress, 2nd session, on deductibility of educational expenses. (S. 2609, a similar bill, was introduced by HARTKE in Senate).

"February 28, 1964: Tax Court held, upheld the claims of two Iowa teachers of music and band that 80 percent of the amounts they expended on an organized music and cultural tour in Europe were tax deductible as ordinary and necessary expenses incurred to maintain and improve their skills in their teaching positions. *James* v. *Commissioner of Internal Revenue; Hrecz* v. *Commissioner of Internal Revenue*, T.C. Memo 1964–49, Docket Nos. 93691, 93715. Case digested in Research Division Memo.

"June 8, 1964: IRS issued long-awaited ruling on educational travel. Revenue ruling 64–176 was limited to travel which on sabbatical leave. Teachers who engage in educational travel while on sabbatical leave may deduct expenses incurred provided there is a direct relationship between the travel activities and the teachers' duties in teaching positions. The ruling was explained and the full text included in a Research Division Memo. Several NEA Units rapidly informed members and leaders of the new regulation.

"October 15, 1964: Division of Federal Relations in an end of Congress review reported to members that H.R. 9709, Griffiths bill on educational expenses, never received a hearing in the House.

"July 7, 1965: NEA Staff met with Mrs. GRIFFITHS to give her additional information on deductibility of educational expenses, including NEA Research Division statistics on number of teachers who incur such expenses and amounts spent.

"September–December 1965: A staff member of Federal Relations Division held numerous discussions with Treasury officials on the issues.

"January 5, 1966: Mrs. GRIFFITHS introduced her bill on the deductibility of educational expenses, H.R. 775. (Senator HARTKE introduced a similar bill, S. 1203).

"February 25, 1966: Oregon Education Association requested NEA help in getting Portland IRS office to process about 2,000 cases involving teachers, being held for word from Washington IRS office.

"March 31, 1966: Dr. Lumley wrote Treasury regarding Oregon situation.

"July 8, 1966: IRS published proposed regulation on the deductibility of educational expenses. The proposed regulation, if made final, would make most teachers' educational expenses nondeductible.

"July 12, 1966: Federal Relations Division alerted educational leaders to proposed regulations, enclosing a statement by Dr. McCaskill, the text of proposed regulations, and a summary of the regulation prepared by NEA Research Division.

"July 14, 1966: Dr. Carr wrote IRS Commissioner protesting proposed regulation and requesting a hearing.

"July 15, 1966: Treasury Department responded to Dr. Lumley's letter of March 31, 1966, stating that the proposed regulation had been issued.

"July 14–15, 1966: Washington and Oregon Education Associations reported that pending claims in Seattle and Portland IRS offices are being processed in favor of the teachers. NEA leaders think IRS may process many pending cases in teachers' favor to 'clear the books' before proposed regulation becomes effective.

"July 21, 1966: Federal Relations Division held a staff briefing on history of the issues and on proposed regulations. Because of the interest expressed by the staff, another briefing was planned for July 28, 1966. Several units took steps to inform their members and leaders of the proposed regulations and to urge them to protest to IRS and Congress.

"July 25, 1966: Stanley S. Surrey, Treasury Department, replies to Dr. Carr's letter requesting a hearing as follows:

" 'We appreciate your sending us a copy of the comments of the National Education Association on the proposed Treasury Department regulations on the deductibility of educational expenses. They will be given careful consideration in the development of the final regulations.' "

AMENDMENT OF INTERNAL REVENUE CODE OF 1954 TO PROVIDE EQUITABLE TAX TREATMENT FOR FOREIGN INVESTMENT IN THE UNITED STATES—AMENDMENT

AMENDMENT NO. 780

Mr. LONG of Louisiana submitted an amendment, intended to be proposed by him, to the bill (H.R. 13103) to amend the Internal Revenue Code of 1954 to provide equitable tax treatment for foreign investment in the United States, which was referred to the Committee on Finance and ordered to be printed.

(See reference to the above amendment when submitted by Mr. LONG of Louisiana, which apepars under a separate heading.)

FOOD FOR FREEDOM ACT OF 1966—AMENDMENTS

AMENDMENT NO. 781

Mr. MORSE proposed an amendment to the bill (H.R. 14929) to promote international trade in agricultural commodities, to combat hunger and malnutrition, to further economic development, and for other purposes, which was ordered to be printed.

(See reference to the above amendment when proposed by Mr. MORSE, which appears under a separate heading.)

AMENDMENTS NOS. 782, 783, AND 784

Mr. MORSE submitted three amendments, intended to be proposed by him, to H.R. 14929, supra, which were ordered to lie on the table and to be printed.

AMENDMENT NO. 785

Mr. COOPER. Mr. President, I send to the desk an amendment to amendment No. 777, offered by the Senator from Delaware [Mr. WILLIAMS] to H.R. 14929, an act to promote international trade in agricultural commodities, to combat hunger and malnutrition, to further economic development, and for other purposes. My amendment reads as follows:

On line 3, after the word "include", insert "alcoholic beverages, and for the purposes of title II of this Act,".

On line 4, strike out the words "or alcoholic beverages".

Mr. President, the amendment of the Senator from Delaware would exclude from the definition of agricultural commodities—contained on page 54 of the bill—tobacco or products thereof, and alcoholic beverages.

My amendment to the Williams amendment would limit its application to tobacco to title II of the bill.

The effect of the Williams amendment as modified by my amendment would be simply to exclude tobacco and tobacco products from the donation authority of title II. Title II provides commodities for famine relief; to combat malnutrition, especially in children; for nonprofit school lunch programs, and the like. No tobacco is donated under Public Law 480 today; it is sold. My amendment would authorize continuation of the sale of tobacco and tobacco products for foreign currency or dollar credits, as is the law today.

If my amendment is not adopted, the effect of the Williams amendment would be to end the Public Law 480 tobacco export program, which has helped develop new markets abroad for tobacco farmers. It has represented approximately 12 percent of all tobacco exports, but less than 3 percent of all Public Law 480 sales, and has helped to decrease U.S. deficits in our difficult balance-of-payments problems.

I want to emphasize that alcoholic beverages have never been considered "agricultural commodities" under Public Law 480—and no sales of alcoholic beverages have ever been made to other countries under that program. No sale of alcoholic beverages is intended under the provision of the bill before us.

But my amendment could clear up all these questions. First, it would make it clear that "alcoholic beverages" could not be sold or given away under the bill.

Second, it would authorize the continued sale of tobacco supplies to other countries under the bill.

I will offer this amendment when Senator WILLIAMS offers his amendment—and I urge that it be adopted to protect our tobacco program, which the Williams amendment would seriously cripple.

The VICE PRESIDENT. The amendment will be received, printed, and lie on the table.

ADDITIONAL COSPONSORS OF BILL AND RESOLUTION

Under authority of the orders of the Senate of August 15, 1966, the following names have been added as additional cosponsors for the following bill and resolution:

S. 3725. A bill to encourage improvements in the machinery of judicial administration by establishing within the Department of Justice the Office for Judicial Assistance, and for other purposes: Mr. HART, Mr. JAVITS, Mr. MCCARTHY, Mrs. NEUBERGER, and Mr. RIBICOFF.

S. Res. 294. Resolution to create a Select Committee on Urban Transportation: Mr. GRIFFIN, Mr. NELSON, and Mrs. NEUBERGER.

ADDITIONAL COSPONSORS OF CONCURRENT RESOLUTION

Mr. MILLER. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Indiana [Mr. HARTKE] be added as a cosponsor of the concurrent resolution (S. Con. Res. 101) to provide for use of a major factor of avoiding problems of heavy population concentrations in the location of Federal Government activities and in Federal Government purchasing and contracting.

The VICE PRESIDENT. Without objection, it is so ordered.

WHERE THE VOTES ARE (S. DOC. NO. 106)

Mr. HICKENLOOPER. Mr. President, I ask unanimous consent that the article inserted in the CONGRESSIONAL RECORD on August 29, 1966; pages 21062 to 21072, entitled "Where the Votes Are," be printed as a Senate document for normal distribution, and that 5,000 additional copies be printed for the use of the Senate Republican Conference.

The VICE PRESIDENT. Without objection, it is so ordered.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, August 30, 1966, he presented to the President of the United States the following enrolled bills:

S. 489. An act to authorize the establishment of the San Juan Island National Historical Park in the State of Washington, and for other purposes;

S. 490. An act to authorize the Secretary of the Interior to construct, operate, and maintain the Manson unit, Chelan division, Chief Joseph Dam project, Washington, and for other purposes;

S. 902. An act to provide that the Secretary of Agriculture shall conduct the soil survey program of the U.S. Department of Agriculture so as to make available soil surveys needed by States and other public agencies, including community development districts, for guidance in community planning and resource development, and for other purposes;

S. 3034. An act to authorize the Secretary of the Interior to engage in feasibility investigation of certain water resource development proposals;

S. 3688. An act to stimulate the flow of mortgage credit for Federal Housing Administration and Veterans' Administration assisted residential construction; and

S. 3700. An act to amend the Urban Mass Transportation Act of 1964.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar Nos. 1500 and 1501.

The VICE PRESIDENT. Without objection, it is so ordered.

DISTRICT OF COLUMBIA CERTIFIED PUBLIC ACCOUNTANCY ACT OF 1966

The bill (H.R. 13558) to provide for regulation of the professional practice of certified public accountants in the District of Columbia was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1535), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill to be known as District of Columbia Public Accountancy Act of 1966 is to repeal present law (approved Feb. 17, 1923, 42 Stat. 2161, District of Columbia Code, title 2, sec. 901) and provide improved and modern standards for certified public accountants in the District of Columbia.

NEED FOR THE LEGISLATION

The present law providing for the regulation of certified public accountants in the District of Columbia, and which created the Board of Accountancy in and for the District of Columbia, has been on the statute books without change since it passage in 1923. In the intervening 43 years the standards of the profession have been raised.

The education and experience requirements of present law are a high school education or equivalent, plus (a) a diploma from some recognized school of accounting and 1 year's experience in the employment of a practicing certified public accountant, or (b) 3 years' experience in the employment of a practicing certified public accountant, or (c) 5 years of public accounting experience as a sole practitioner.

It is in the public interest to raise the standards governing the professional practice of certified public accountants in the District so that they may be generally equivalent to those that now prevail over the major portion of the United States.

Thirteen States now require an applicant to have obtained a college degree: Arizona, California, Colorado, Connecticut, Florida, Hawaii, New Jersey, New Mexico, New York, Ohio, South Dakota, Utah, West Virginia.

Thirteen other States have enacted laws requiring a college degree after a specified future date—generally 1967: Arkansas, Georgia, Idaho, Illinois, Massachusetts, Nevada, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Wisconsin.

Four other States require at least 60 college hours: Alaska, Iowa, Maryland, and North Carolina.

Thus, there are 30 States which have educational requirements greater than those required in the District and virtually all the States have more extensive experience requirements than the 1 year required under the existing law in the District.

Today's increasingly complex business climate has created the need for more and more competence on the part of the certified public accountant. Many applicants are using the low standards of the District as a haven to enable them to escape the higher requirements of their own States. Raising the training and educational requirements for the CPA certificate is the principal means of furthering the standards of the public practice of the certified public accountant.

The Board of Accountancy of the District has stated that 45 percent of the persons who take the CPA examination in the District come from other States, and are neither residents nor employed in the District. When a nonresident becomes certified in the District, he may then be able to use the District certificate to apply for reciprocity certification in other States. It is undesirable for the District to continue to serve as such a haven and thus to weaken the effectiveness of the higher standards required by the great majority of the States. Fortunately, most of the CPA's in the District, even at the time that they sit for their examinations, have completed more years of education and professional experience than the existing law requires.

These CPA's who have been certified by the District sometimes find it difficult to obtain reciprocity registration in other States because nearly all the State laws permit reciprocity registration of persons certified in their home States only when the statutory requirements of the two States are "equivalent." Most of the boards of accountancy have been tolerant of technical deficiencies in eligibility. They have looked to the qualifications possessed by the individual applicant rather than to those required by the State or jurisdiction. These boards of accountancy are only giving the States time to raise their standards. If the present law of the District of Columbia is not amended, now or in the very near future, even the best educated and best trained men among the District's CPA's will find it increasingly difficult, and sometimes impossible to obtain reciprocity registration.

Existing law does not authorize the Board of Accountancy to accept experience gained during employment by the Government. Some Government experience is of the type which prepares a prospective applicant for professional practice as a certified public accountant. Where this is the case, it should be recognized. At the present time the laws of 37 States allow professional staff members of the General Accounting Office to obtain their CPA certificates either through experience, education, or a combination of education and experience.

Existing law does not require practitioners who have received the CPA certificate to register. The Board of Accountancy to discharge the responsibilities imposed upon it must not only exert control over those who enter the profession but must also protect the public and other practitioners against those in practice who may violate the law and generally accepted standards of professional practice and conduct. In order to discharge the latter duty the Board must know who is in practice.

The public's confidence in the ability and the integrity of the CPA must be continuously justified by the maintenance of high standards such as this bill provides.

At a public hearing before the Subcommittee on Business and Commerce on June 1, 1966, testimony in favor of this legislation was presented by spokesmen for the District of Columbia Institute of Certified Public Accountants and the General Accounting Office. The Commissioners of the District of Columbia are in accord with the purposes of this bill.

PROVISIONS OF THE BILL

The first section of the bill gives the legislation the title of the "District of Columbia Certified Public Accountancy Act of 1966" while section 2 defines "certified public accountant," "Commissioners," "Board," and other terms.

Section 3 of the bill provides that only persons or partnerships who have been certified or registered under the provisions of the bill may use the title "certified public accountant" or the abbreviation "CPA."

Section 4 of the bill authorizes the Commissioners to establish a Board of Accountancy composed of three certified public accountants who, except for the persons who are members of the Board on the date of enactment of the bill, must be registered under section 9 of the bill and must have been engaged in the practice of public accountancy as certified public accountants for not less than 10 years, at least 5 of which must have been in the District of Columbia. The length of term for a Board member is prescribed as 3 years and a member is prohibited from serving more than two terms. The Commissioners are authorized to delegate to the Board of Accountancy any of the technical and professional functions vested in the Commissioners under the bill.

Section 5 of the bill authorizes the Commissioners to adopt such rules and regulations as shall be necessary to carry out the purposes of the bill, including rules of professional conduct. This section also provides that the Board of Accountancy shall make recommendations to the Commissioners concerning the adoption of such rules and regulations and that no such rules or regulations shall be adopted until after the Commissioners have held public hearings thereon.

Section 6 of the bill provides the qualifications required of an applicant regarding age, citizenship, good moral character and the successful completion of the examination. This section provides that applicants for the District of Columbia CPA certificate by examination must be residents of the District of Columbia or be employed therein for a minimum period of 1 year.

Section 7 of the bill provides for a transitional period of 1 year during which virtually no change wil be made in the effective requirements for applicants. After the 1-year transitional period the act would require any one of three combinations of education and experience, as follows:

Education plus accountancy experience

	Years' experience
60 semester hours	4
90 semester hours	3
120 semester hours	2

Subsection (c) of this section 7 adds that, upon the recommendation of the Board of Accountancy, the Commissioners may accept for any required year of employment, 1½ years of experience (1) in auditing the accounts of other persons with generally accepted auditing standards, (2) in a combination satisfactory to the Board of the experience described in (1) above together with auditing the books and accounts of activities of three or more governmental agencies or distinct organizational units in accordance with generally accepted auditing standards and reporting on their operations to a third party, to the Congress, or to a State legislature, or (3) in reviewing financial statements on the financial condition and operations of business entities to determine reliability, fairness of the financial reporting, and compliance with generally accepted accounting principles and applicable Government regulations.

Section 8 of the bill provides for issuance by the Commissioners of an endorsement of certificate of certified public accountant, renewable periodically but no more frequently than annually, to the holder of a certificate from a State, territory, or foreign country whose requirements are, in the opinion of the Commissioner, equivalent to those contained in this bill and who declare his intention of practicing in the District of Columbia.

Sections 9 and 10 of the bill provide for registration of CPA practitioners, including partnerships, with the Board as a condition

precedent to public practice. Section 10 permits firms to practice as CPA's provided all partners are CPA's of some State, and resident partners or resident managers are CPA's of the District of Columbia.

Remaining sections of the bill provide authority for rules and regulations for carrying out the provisions of the law.

Others deal with revocation and suspension of certificates, endorsements, and registrations; hearings, notice, procedure, and review; reinstatement; acts declared unlawful; ownership of working papers; repeal of the present law and other legal matters. These matters are not adequately dealt with in present law.

ALTERNATE METHOD FOR ACQUISITION OF A SITE FOR SHAW JUNIOR HIGH SCHOOL

The bill (H.R. 15858) to amend section 6 of the District of Columbia Redevelopment Act of 1945 to authorize early land acquisition for the purpose of acquiring a site for the replacement of Shaw Junior High School was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1536), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of H.R. 15858 is to provide the Commissioners of the District of Columbia with an alternate method for acquiring a site for the new Shaw Junior High School.

NEED FOR THE LEGISLATION

The Board of Education of the District of Columbia has owned for several years, and still owns, a suitable site for the new Shaw Junior High School. This site has been diverted from their use and control for other purposes. Under urban renewal procedures a major portion of the cost of acquiring the real property for a new school site can be financed with Federal urban renewal funds. With urban renewal assistance the cost of the site to the school board can be reduced to what a vacant site would cost. Under the District of Columbia Redevelopment Act of 1945 the Redevelopment Land Agency may not acquire land until the urban renewal plan has been officially adopted by the National Capital Planning Commission and approved by the Commissioners of the District of Columbia. Adoption and approval of the Shaw urban renewal plan is expected to take approximately 2 years from the date of approval of the application which is now pending with the Department of Housing and Urban Development. The Shaw Junior High School situation needs immediate attention for replacement of the present crowded and rundown Shaw school building has already been delayed some years.

Under the Housing Act of 1949, as amended, local urban renewal agencies, when authorized to use such procedures, may acquire and clear land for redevelopment after project boundaries have been established but without waiting for the completion and approval of an urban renewal project plan for the entire project area. This bill to provide for early acquisition under urban renewal plans would authorize the Commissioners of the District of Columbia and the Redevelopment Land Agency to use early land acquisition procedures to promptly acquire a site for the new Shaw Junior High School building and grounds after project area boundaries have been established for planning purposes and prior to official approval of the entire urban renewal plan for the urban renewal area which includes a site for the new Shaw Junior High School. With the enactment of this legislation, the Commissioners will be able to proceed either under existing authority for the acquisition of a site or, if the public need is better served, they may use the authority provided in this bill.

At a public hearing before the Subcommittee on Business and Commerce an August 16, 1966, enactment of this legislation was urged by representatives of the Board of Commissioners of the District of Columbia the Board of Education of the District of Columbia, and the District of Columbia Redevelopment Land Agency.

PROVISIONS OF THE BILL

The bill provides that prior to the adoption and approval of an urban renewal plan, which includes a site for the new Shaw Junior High School, the Redevelopment Land Agency may acquire land for such site, demolish and remove buildings, relocate site occupants, and construct site improvements for a new facility to replace Shaw Junior High School within the boundaries established for any urban renewal project area whose boundaries have been adopted for planning purposes. The bill further provides that the Board of Commissioners of the District of Columbia, after a public hearing, and the National Capital Planning Commission must approve the acquisition and disposition of all property which is acquired. In the event the land so acquired is not used for urban renewal purposes because the urban renewal plan is not approved by all appropriate authorities or because it is not included within the urban renewal plan, as approved, or the urban renewal plan is amended to omit any of the acquired property or it is abandoned for any reason, the Board of Commissioners must assume the responsibility for any loss which may arise as a result of the use of the advance land acquisition procedures.

The bill authorizes the Commissioners of the District of Columbia and other appropriate agencies to do any and all things necessary to secure financial assistance under title I of the Housing Act of 1949, as amended, to acquire and prepare a site for a new facility to replace Shaw Junior High School. The Commissioners and the Redevelopment Land Agency are also authorized to borrow money pursuant to the early acquisition provisions of title I of the Housing Act of 1949, as amended, and to issue obligations evidencing such loans, and to make pledges as may be required to secure such loans.

AID TO BUSINESS DEVELOPMENT CORPORATIONS

Mr. CARLSON. Mr. President, S. 3557, which was introduced earlier this year by the Senator from Alabama [Mr. SPARKMAN] for himself and the Senator from Massachusetts [Mr. SALTONSTALL], is a bill to amend the Internal Revenue Code of 1954 with respect to income tax treatment of business development corporations.

Early in 1965, Kansas created what was known as the Kansas Development Credit Corp., and this organization was established to aid and improve the Kansas economy by lending funds to Kansas manufacturers.

So far, 34 applications have been approved, committing $2,392,000. These manufacturing concerns are in all parts of Kansas, and the Kansas Development Credit Corp. has been instrumental in either sustaining or creating about 1,500 jobs for Kansas.

S. 3557, if approved, would be of great aid not only to the Kansas Development Credit Corp., but also to other smaller corporations in the United States, and I urge early approval.

ORDER OF BUSINESS

The VICE PRESIDENT. Is there further morning business?

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to speak for 10 minutes.

The VICE PRESIDENT. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

STATEMENT REGARDING THE SLAYING OF MARVIN L. STOCKER, METROPOLITAN POLICE OFFICER, BY JOHN M. ELDRIDGE—ALIAS WANSLEY

Mr. BYRD of West Virginia. Mr. President, in these days when the courts are rendering decisions scrupulously protecting the rights of persons charged with crime—when greater and greater effort is being made through liberalized bail and probation systems to rehabilitate the criminal offender—I am deeply concerned about what is happening to the rights of the general public and about safeguarding the morale of our police departments, as well as the integrity of our whole law enforcement system.

No one feels more strongly than I that the rights of the accused should be properly protected; that our system where the accused is deemed innocent until proved guilty is the best system yet devised; and that it is far better to rehabilitate a criminal offender to the responsibilities of good citizenship, if and when it can be done, than to put him in jail and throw away the key.

There are many, of course, who feel that we have gone overboard in catering to the rights of the criminal. It is my feeling that what has been happening in our efforts to lean over backward in giving the accused all appropriate rights, is that there has been a serious failure, for one thing, in distinguishing between the individual who has demonstrated himself to be a habitual or chronic violent offender as against the normal case which is responding to advanced correctional methods. The failure to make this distinction, I feel, is so serious as to have increased the workload of our law enforcement officers to the point of discouragement and to have put the public at the mercy of wanton criminals who have no regard for law and order and for whom there is only slight prospect, if, indeed, there is any prospect, for rehabilitation. What is more, the failure to properly handle these habitual offenders, I feel, is rapidly undermining respect for the law and, as violence begets violence, is directly contributing to the shameful skyrocketing of our crime rate.

While the chronic offender, of course, has the same constitutional rights as a first offender, which rights should be as

carefully protected, do we have to be foolish about it? Should the habitual robber, or violent criminal, with a yardlong record, who is on parole for past offenses, and who is in flagrant violation of his parole conditions, when he is caught in a new crime, be freed on a small bond to continue his life of violence just because he pleads "not guilty"? Are there no equities due the law-abiding public? Is it necessary to place the additional burden of repeatedly dealing with this type of chronic offender on the police? Are our laws with respect to parole violations becoming meaningless? These are some of the questions which I feel we must face up to and which we had better do something about.

Most Senators, I am sure, well remember reading, with shock, the news accounts of March 24, 1966, reporting the senseless slaying of the young Metropolitan Police officer, Marvin L. Stocker, by one John M. Eldridge—alias Wansley—a participant in the armed robbery of the Lord & Taylor department store, when the police began to close in on him, and of the equally senseless suicide of Eldridge—senseless because the murder and suicide had occurred long after Eldridge, who had a long record of crimes of violence had exhausted all of his rights, up through the Supreme Court, on his most recent offense and was still at large on a $5,000 bond.

As chairman of the Senate Appropriations Subcommittee handling appropriations for the District of Columbia, and as a member of the subcommittee handling appropriations for the Department of Justice and the Judiciary, as well as a private citizen concerned with proper law enforcement, I undertook to ascertain how such a tragedy could occur—why Eldridge, who had this long record of criminal violence and was on parole for one crime and also on bail in connection with an appeal to the Supreme Court on still another robbery charge, which appeal had been denied by that Court on January 17, 1966, should still be at large under bond on March 23, 1966, the date on which he participated in the Lord & Taylor robbery and committed the ultimate crime of murdering a police officer. In this connection, I immediately corresponded with the Solicitor General of the United States, the U.S. Parole Board, the U.S. attorney, the U.S. marshal, the U.S. District Court for the District of Columbia, and the District Police.

Two additional cases were uncovered in the local U.S. district court subsequent to my inquiry, wherein defendants charged with serious crimes had been freed on bail pending appeal and had remained free on bond long after their appeals had been denied. The cases I refer to were those of Samuel W. James and Jerry Summerlin. In the former case, the defendant, James, who had been sentenced to a term of from 2 to 6 years, was at large on bond for over 2 years after his appeal had been denied and before any action to pick him up, after the Eldridge case occurred, was taken.

The responses received from the various officials to my inquiry, while pointing up a number of oversights, looseness in administration, and weaknesses in communications, and while assuring me that new procedures and checks had been and were being installed to prevent the recurrence of identical situations, left me with the feeling that the situation, generally, was far more serious and deep seated than was indicated and that it deserved greater attention and study. Accordingly, I requested that the Administrative Office of the U.S. Courts conduct an investigation of the facts of the Eldridge case and advise me of its findings, as well as whether there were cases in other parts of the country similar to those which had come to light in the District of Columbia.

These reports are now all in and I will insert later in the RECORD the various responses which show the corrective action taken in the cases involved. However, the history of the Eldridge case is so revealing as to what is wrong with our law enforcement and correctional systems that I would like to analyze it in some detail.

In the 8 years prior to March 23, 1966, when John M. Eldridge, alias John Wansley, a 24-year-old Negro male, shot and killed a police officer and then took his own life, he had been a participant in or had been charged with no less than 13 crimes, 12 of them felonies and 11 of them crimes of violence.

Let us take a look at the criminal history in this case.

Eldridge, who was born on January 31, 1942, in South Carolina, first came to the attention of the Washington police when, on May 7, 1955, at the age of 13, he was caught stealing shoes and was released to the custody of his mother.

On March 22, 1958, at the age of 16, he was charged with armed robbery of a couple and with raping the woman and later turning her over to a third party who also allegedly raped her. In juvenile court, Eldridge admitted the robbery but denied the rape, which charge was nolle prossed, and he was placed on probation for the robbery.

On August 20, 1960, at the age of 18, he was charged with aggravated assault. The victim, a visitor from Connecticut, was sent to the hospital with possible nose and skull fractures. This charge was later reduced to simple assault and finally dismissed for want of prosecution.

On September 23, 1960, about a month later, Eldridge was charged with robbing the driver of a Sunshine Laundry truck of $486.67. He was indicted on this charge on October 17, 1960, and released on bail.

On November 17, 1960, just a month to the day after the indictment, Eldridge assaulted with a knife and cut and stabbed the Sunshine Laundry driver whom he had robbed earlier and who was a witness against him in the robbery case. He was indicted on the assault case December 12, 1960, and convicted and sentenced on January 27, 1961, under the Youth Correction Act. The robbery charge against Eldridge was dismissed, reportedly because the Government felt that since he had been sentenced and committed to jail on the assault charge nothing would be gained by prosecuting the robbery case. Eldridge was released from the reformatory on August 28, 1963, after having served about 2 years and 7 months. He was placed on parole until January 7, 1967, under supervision of the Youth Division of the Federal Parole Board.

On February 4, 1964, 5 months and 1 week after he had been released from prison, Eldridge, who was then 22 years old, was again arrested for armed robbery of a 77-year-old man. Normally, you would expect that with the record Eldridge had already made, his parole on the previous charge would be canceled and a parole violation warrant issued. But here is what actually happened. Within 3 days after this last robbery charge of February 4, 1964, the parole officer was notified of the arrest and he, in turn, advised the parole board and requested that the matter be investigated, but the reply came back that Eldridge had entered a plea of "not guilty" and currently was on bond. So, no action was taken.

Eldridge was indicted on the robbery charge on March 10, 1964, and sent to jail to await trial. It was not until May 13, 1964, after Eldridge's indictment and commitment to jail, that a warrant for violation of parole was issued and sent to the District jail as a detainer.

Eldridge went on trial on this robbery charge and on June 5, 1964, was sentenced to serve from 3 to 12 years in prison. He later appealed and was again released on a $5,000 appeal bond. Now, here is a rather startling bit of information developed by the Administrative Office's investigation. Eldridge reportedly advised the Youth Correction Division that he intended to appeal his June 5, 1964, sentence and the detainer was withdrawn, and the U.S. marshal was instructed, on June 18, 1964, to hold the warrant pending appeal, although the actual notice of appeal was not filed until June 25, 1964.

On July 24, 1964, hardly a month after Eldridge's conviction in the robbery case and his release on bond pending appeal, he was identified by a Negro male named Caldwell, whom the police had caught redhanded stripping a Cadillac at 3 o'clock in the morning as the accomplice in this crime who had sped away in a Pontiac when the police approached. The accomplice had been chased by a police cruiser, had struck four parked cars, and had finally escaped on foot. When Caldwell's case came to trial, he identified Eldridge as the operator of the vehicle and stated he would testify against him because he was the ringleader. However, when Eldridge was arrested and brought to trial, Caldwell refused to identify him and the case was nolle prossed because of insufficient evidence to proceed without Caldwell's testimony.

It appears from the record that the parole warrant issued earlier and held by the marshal pending the appeal in the robbery case, was executed by taking Eldridge into custody, at least briefly, about the time he was charged with the theft of auto parts and destroying private property, and that he was released when these charges against him were dismissed. There was also information to the effect that on September 16, 1964, Eldridge

came to the parole board and, after conversation, was released from the custody of the parole violation warrant and placed again under the supervision of the parole office. On September 22, 1964, another violation of parole warrant was issued and delivered to the U.S. marshal with instructions that it be held in abeyance *until the* final outcome of the Eldridge appeal. This warrant remained outstanding and was finally returned unexecuted on March 28, 1966, after the murder of Officer Stocker had been committed.

On October 30, 1964, about 6 weeks after Eldridge was released from the parole violation warrant and while he was still on bond pending appeal of his robbery conviction, there was a robbery of a liquor store. One of the robbers, during the holdup, handled a bottle of Cutty Sark whisky and the fingerprints on this bottle were positively identified by the Metropolitan Police Department as Eldridge's. Eldridge was arrested on this charge on November 1, 1964, indicted on December 8, and tried on April 7, 1965, with the jury returning a verdict of "not guilty."

No action was taken on the parole during this period, but the files reportedly reflect that on November 16, 1964, a parole board officer had recommended that Eldridge not be permitted to remain at liberty. He apparently was overruled, however, and Eldridge remained free on bond.

On June 4, 1965, Eldridge was arrested for disorderly conduct and elected to forfeit $10 collateral. The parole officer was notified of this arrest, but no action was taken.

Now let us examine what happened in connection with the appeal of Eldridge's robbery conviction.

On May 20, 1965, the court of appeals affirmed the June 5, 1964, conviction of Eldridge. On October 2, 1965, there was a petition for writ of certiorari filed in the Supreme Court. On January 17, 1966, certiorari was denied by the Supreme Court and timely notice of the decision was given to the court of appeals, which, in turn, notified the district court and the U.S. attorney. However, it was not until February 21, 1966, that the case was called in the district court for Eldridge to begin sentence. Although Eldridge had, through newly employed counsel, petitioned the court of appeals and the Supreme Court on February 8 and February 11, 1966, to reconsider their decisions with respect to his appeal, he did not appear at the district court hearing on February 21, 1966, to begin his sentence. Bond was forfeited and a bench warrant was issued by the court. However, for some unknown reason, on February 24, 1966, on motion of Eldridge's new attorney, James J. Laughlin, to quash the bench warrant, the court withdrew the warrant and reinstated the bail bond. This reportedly occurred in the judge's chamber and without notice to the U.S. attorney's office. It followed that even though the court of appeals and the Supreme Court denied Eldridge's petitions for rehearing on February 25 and 28, 1966, respectively, Eldridge remained free on $5,000 bond until the Lord & Taylor robbery, the murder of Officer Stocker, and Eldridge's suicide on March 23, 1966.

The investigation would seem to indicate, and the rules of court support, the fact that without some new factor being interjected when an appellate court affirms a criminal conviction and notifies the district court thereof, the lower court should take appropriate action to see that the sentence of the defendant is carried out, and a motion requesting the appellate court to reconsider its decision should not stay such action.

To me, the record of this case is almost unbelievable. It goes far beyond any mere breakdown in communications between the courts, the law enforcement agencies, and the correctional system.

It demonstrates the ease with which a chronic criminal can carry on an almost uninterrupted career in violent crime under our present system of parole, probation, and bail.

It shows that our parole system, at least in the case of hardened criminals, is not working. It reveals that we are pampering violent professional criminals. It suggests bad judgment, faulty administration, and failure of responsibility all along the line.

I cannot understand why a warrant, which has been issued for violation of parole and filed as a detainer when a defendant is committed to jail pending trial on a new offense, is suspended as soon as the defendant is released on bond, regardless of the fact that he is in flagrant violation of parole.

Nor can I understand why the district court, under all the circumstances, and after Eldridge's appeal had been denied by the court of appeals and the Supreme Court, could have again released him under bond. If a system prevailed where the past record of such a criminal was readily available and was customarily referred to by the court, surely the release of Eldridge could not have happened.

I believe that this case also clearly proves that an overhaul of our correctional system is overdue. Whether this entails more personnel, improved qualifications, new concepts, or a complete reorganization—or all of these things—I am not prepared to say. What is plain is that the situation demands prompt action. If it is taken, perhaps Officer Stocker will not have died in vain.

Moreover, all U.S. district courts throughout the country should search their records of all cases in which criminal defendants have been released on bond pending appeal to determine whether similar oversights have occurred. Additionally, each court should reexamine its procedures with a view toward preventing a tragedy such as the one in which Marvin L. Stocker, Metropolitan Police officer, lost his life in March of this year.

Mr. President, I ask unanimous consent to have printed in the RECORD various newspaper articles and editorials relative to this case; also some information which has been provided me by the District of Columbia police department, the investigation report and correspondence from the Administrative Office of the U.S. Courts, correspondence to and from the clerk of the Office of U.S. District Court for the District of Columbia; correspondence to and from the Office of the U.S. Attorney for the District of Columbia, the office of the U.S. marshal for the District of Columbia, the Office of the Solicitor General of the United States, and the Office of the U.S. Board of Parole, Washington, D.C.

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

[From the Washington (D.C.) Star, Mar. 24, 1966]

CASE HISTORY OF THE KILLER

John Melvin Wansley's troubles with police began in August 1960, when he was 18. He was charged with "assault with a dangerous weapon," in this case a stick. The case later was dropped in court.

Other charges against Wansley during 1960 included two charges of assault, both of which were dismissed in court, and a robbery charge, also dropped.

In December 1960, Wansley was indicted by a grand jury on a charge of assaulting a man with a knife. A month later, he was sent to jail under the Youth Correction Act. He was released on a four-year parole in August 1963.

In February 1964, Wansley was charged with robbery and assault with a gun. Four months later, he was sentenced to serve 3 to 12 years on the charge but was released on an appeal bond in July 1964.

Since then, five other charges had been placed against Wansley, including one of robbery. A jury found him not guilty of that charge last April. He still was on the appeal bond and on parole when he went to Lord & Taylor last night and soon afterward killed himself when cornered by police.

The other three suspects in the case all have police records, officials said.

[From the Washington (D.C.) Star, Mar. 25, 1966]

MURDER OF A POLICEMAN

Marvin Lee Stocker, 23, a rookie policeman, was shot to death Wednesday evening by a man who should have been in jail. The story of this murder and the events leading up to it is, to put it mildly, a remarkable one.

Private Stocker was killed by John M. Wansley, 24, who then committed suicide.

Wansley was a participant in the Wednesday robbery of the Chevy Chase branch of Lord & Taylor. But he was no stranger to crime. His arrest record is a long one, and he had been convicted twice of serious offenses.

In December, 1960, he was sent to jail under the Youth Correction Act for an assault with a knife and was paroled in August, 1963. In February, 1964, he was charged with robbery and assault with a gun. Three months later he was found guilty and sentenced to serve 3 to 12 years. He never served time on that conviction, however, since he was released, pending appeal, after posting $5,000 bond.

The Court of Appeals upheld the conviction on May 20, 1965, but Wansley remained on bond while his attorney appealed to the Supreme Court, which refused to review the case on January 17, 1966. A petition for a rehearing was denied by the high court on February 28, 1966, and at that point, at the very least, Wansley should have been picked up to begin his sentence. But it seems that the United States Attorney's office was not notified, and no one tried to pick up the criminal.

The story now turns back a few days. On February 21, of this year, Wansley was ordered to appear in District Court. When he didn't show up a bench warrant was issued

for his arrest and his bond declared forfeited. Meanwhile, however, another District Court judge, presumably on the strength of representations concerning the petition to the Supreme Court for a rehearing (denied February 28) reinstated Wansley's bond on February 24, and he remained free. By March 1 the snarl should have been straightened out. But there was a snafu in communications and Wansley remained at large. On March 23 he murdered the policeman.

Consideration for the criminal? Plenty of it in this case. But very little protection for the public for nearly two years. And none for Private Stocker.

[From the Washington (D.C.) Star, Mar. 25 1966]

POLICE KILLER WAS FREE DUE TO LEGAL MIXUP—WANSLEY SLATED FOR JAIL 3 WEEKS AGO—BRESS CHECKING COMMUNICATIONS DELAY

(By William Basham)

A Washington man who killed a District policeman after Wednesday night's Lord & Taylor robbery would have started a jail sentence three weeks ago except for a breakdown in communications between government prosecution levels.

John Melvin Wansley, 24, who took his own life after gunning down Pvt. Marvin L. Stocker, 23, was free under a $5,000 bond on appeal of a robbery conviction, for which a 3- to 12-year sentence had been imposed.

Wansley, known to the courts as John Melvin Eldridge, had exhausted his final appeal to the Supreme Court on Feb. 28. But the word did not get from the Solicitor General's Office to the U.S. Attorney's Office for the District.

Normally, the U.S. Attorney's Office would have moved to have Wansley picked up to begin his sentence. But because of the defective communications, he continued to go free and probably would still be at large if it were not for Wednesday night's events.

U.S. Atty. David G. Bress said yesterday he was looking into the failure of his office to get timely notice of the final denial of Wansley's appeals.

Meantime, Inspector John L. Sullivan of the robbery squad said this morning he has information that indicates Wansley was involved in the armed robbery of a Ogden Street NW market in which a man was wounded in the neck. The man's sister had been seriously wounded during another holdup at the market several months before.

Sullivan said some of the information on other crimes related to a dental plate Wansley wore. He said there was an indication Wansley took out his plate, which held two teeth, on occasions in an attempt to disguise his identity.

He did this, Sullivan said, by holding his hand over his mouth and giving victims a brief glimpse so they would tell police to look for a man with two front teeth missing. He later would put back the plate, Sullivan said.

Wansley, whose record of felony arrests dates back to 1960 when he was 18, had been convicted of robbing a 77-year-old man at gunpoint on Jan. 31, 1963. He was convicted before Judge George L. Hart Jr., in U.S. District Court May 4, 1964.

By July 15, Wansley was out on the $5,000 bond. And while the appeal was pending, he was charged with other crimes including robbery, which resulted in the imposition of another $5,000 bond.

Wansley went to jail in early December, 1964, unable to meet the additional bond, and remained there until exonerated from the second robbery charge by a jury on April 9, 1965.

He was freed again after the jury acquittal. On May 20, 1965, his conviction in the first case was upheld by the U.S. Court of Appeals. Wansley took the case to the Supreme Court.

The Supreme Court turned down his case, and 10 days later the U.S. Court of Appeals indicated that the U.S. District Court could order Wansley to jail. Meantime, Wansley petitioned the Supreme Court for a re-hearing.

The order by the U.S. Court of Appeals took effect before notice of the Supreme Court new petition was received, and Wansley was ordered to appear in District Court Feb. 21 for commitment.

But Wansley did not appear, and Judge Edward M. Curran ordered his bond forfeited and issued a bench warrant for his arrest. That same day, this action was rescinded after Wansley's attorney told the court of the renewed appeal actions.

A petition filed with the U.S. Court of Appeals requesting it to withhold its final commitment order was rejected Feb. 26. And on Feb. 28, the Supreme Court denied Wansley's petition for re-hearing, marking the end of the appellate route.

By March 1, the Supreme Court relayed its decision to the U.S. Court of Appeals, to Wansley's attorney, and to the Solicitor General's Office. It was at this point Wansley would have been picked up under the normal court procedure.

But because the U.S. Attorney's office did not receive word, it did not take the necessary steps to revoke Wansley's bond and place him in custody.

BOND RESTORED

Wansley had been hunted during the short life of Judge Curran's bench warrant, but this was called off when the judge restored the bond in view of the renewed appeal actions.

At that point, the U.S. Attorney's office lost track of the case. Curran's order granting restoration of the bond was filed with the criminal clerk's office of the court, but the U.S. Attorney's Office did not receive word of even this.

If it had known, it conceivably could have opposed renewal of the bond.

Bress was visibly distressed about the situation. "I'm looking into the matter as to the failure of this office to get timely notice of the denial of Wansley's petition for rehearing," he said.

He said prompt notification of the Supreme Court's final denial would have enabled his office to proceed immediately for a bench warrant.

WANTS TO AVOID REPETITION

"I want to clear this up so that it will never happen again," he said, indicating that his chief assistant would investigate the breakdown.

Inspector Sullivan said his robbery squad was having success in attempting to link Wansley with other crimes still unsolved.

"I have every reason to believe that he was connected with the Ogden Street armed robbery and one in the 600 block of Columbia Road," said Sullivan.

In the Ogden Street robbery, Theodore Roberts, 29, was shot in the throat, March 15. Police said the Columbia Road robbery was in February.

Sullivan also said Wansley had been identified in a robbery Feb. 1, of a Safeway Store at 1613 Montell Ave. NE.

He said he had information that the men involved in the Lord & Taylor robbery were involved in other robberies, but that the squad was withholding work on these cases until they have captured the fourth man in the Lord & Taylor holdup. He was still at large today. Police took a man into custody in the 900 block of Pennsylvania Ave. SE this morning but later said they did not think he was the suspect.

James Lee Suggs, 20, of the 2600 block of Douglas Place SE, and Charles Lee Blair, 22, of the 1300 block of Rittenhouse Street NW, have been charged with homicide and robbery in the Lord & Taylor case and are being held without bond for a hearing Thursday.

[From the Washington (D.C.) Star, Mar. 24, 1966]

POLICE SLAYER KILLS HIMSELF, MANHUNT ON—TWO OTHERS SEIZED, FOURTH ESCAPES NET AFTER HOLDUP HERE

(By Walter Gold)

One of the city's biggest manhunts was under way today for one of four men involved in the killing of a young Washington policeman after a $15,000 robbery at the Chevy Chase branch of Lord & Taylor.

It was the second time in less than nine hours that police and bandits had fought a gunbattle on Washington streets.

The officer's killer, who briefly terrorized and injured a Northwest couple after breaking into their home to escape police, took his life by slashing his throat with a butcher knife as police closed in on him.

At the height of the hour-long drama, nearly 100 District policemen surrounded a house at 435 Hamilton Street NW where the bandit had used the couple as hostages.

The dead policeman, Pvt. Marvin Lee Stocker, 23, of the 12th Police Precinct, was killed by a single bullet from the bandit's gun as the officer approached the house.

TWO MEN CAPTURED

Stocker's slayer, identified as John Melvin Wansley, 24, a convicted felon, of the 700 block of Irving Street NW, was one of four men who held up Lord & Taylor at 5257 Western Avenue NW shortly after 6 p.m.

Two other suspects in the robbery were captured after a brief chase and the fourth bandit still was being sought today. The money was recovered.

Police identified the apprehended suspects as James Lee Suggs, 20, of the 2600 block of Douglas Place SE, a salesman, and Charles Lee Blair, 22, unemployed, of the 1300 block of Rittenhouse Street NW. Both were charged with homicide and robbery.

A lookout was broadcast over the police radio for the fourth suspect, described as a Negro male in his 20s known as "Monk" The gunman was last seen wearing a light brown jacket, gray or brown trousers and a white cap. The police lookout said the suspect "was armed and should be considered to be dangerous."

During the siege at the Hamilton Street house, Wansley wounded the home's owner, William P. Lax, 52, and his wife, Beulah, 41, with the butt of his gun.

The couple was treated at Washington Hospital Center for minor injuries and returned to their bullet-riddled 2-story brick row house late last night.

Police and witnesses gave this chronology of events:

About 6:05 p.m., the assistant manager and an engineer at Lord & Taylor were locking an outside door of the specialty store, which had closed for the day some 30 minutes earlier.

The assistant manager, Lionel R. Stewart, 40, said he and the engineer, Allen H. Nordgren, 36, were suddenly surrounded by three armed men.

At the same time, a fourth gunman accosted the manager of the store's women's shoe department, Gerald Vaizey, 54, as he was about to drive out of a parking lot.

"THEY'D KILL US"

"One of the bandits stuck a gun in my stomach and said they'd kill us unless I turned off the store's burglar alarm and reopened the door," Stewart said. The assistant manager said he told the gunmen it was impossible to turn off the outside alarm.

The men then ordered him back into the store along with Nordgren and Vaizey, despite the fact that the alarm bell was ringing.

The gunmen shoved the three upstairs to the store's cashier's office, where one of the bandits demanded that Stewart open a safe.

"They knew there was a burglar alarm on the safe and they told me to also turn that alarm off, too," Stewart said.

While the assistant manager stalled, two of the bandits used white adhesive tape they brought along to bind Nordgren and Vaizey. The two employees were forced to lie face down on the office floor, then their legs were bound with their belts.

SHOWS GUN BARREL

At this point, one of the robbers stuck what looked like a German luger in my right ear," Stewart said. "He told me he'd kill me if I didn't open the safe and keep the alarm from ringing.

"He even showed me the gun and opened the chamber so I could see the bullet inside . . . he said he wasn't kidding," the assistant manager added.

After Stewart unlocked the safe, the bandit bound him and put him on the floor just as they had done with Nordgren and Vaizey.

The safe alarm, meanwhile, had sounded at the Federal Alarm System, as had the door alarm.

The bandits scooped up about $15,000 in bills and change, stuffed the loot into a flowered pillowcase and two other containers, then ran from the office. As they fled from the building, they picked up the fourth gunman who had stayed downstairs as a lookout.

The store's engineer worked himself partially free and, with his hands still bound, telephoned police. As the other two employes worked themselves loose, a passerby outside the store saw the four bandits flee in a 1965 red Thunderbird sports car with rental auto tags and also called police.

A description of the car was broadcast by police and, within minutes, two units of the 6th Precinct spotted and started chasing the car in the upper 13th Street NW area.

WILD CHASE

The fleeing car raced through narrow streets of the Brightwood section of Northwest and, at one time, roared head-on against one-way rush-hour traffic on 13th Street.

As nearly a dozen police vehicles, their sirens wailing, closed in on them, the quartet abandoned the car in the 400 block of Hamilton NW about 6:20 p.m.

Two of the bandits ran north through an alley in the middle of the block and the other pair ran in the opposite direction. One gunman, later identified as Suggs, was captured after a short chase by motorcycle officers Joseph S. Jacob and Norman L. Schroder of the traffic division.

A second suspect, later identified as Blair, was arrested about the same time at the other end of the alley by 6th Precinct Pvts. Thomas McGlynn and Thomas Deithrich, the two officers who originally spotted the get-away car. A third suspect got away.

Three containers of money all were recovered.

The fourth gunman, Wansley, fired several shots at his pursuers, who returned a volley of bullets at him. Then, for a few seconds, Wansley ducked out of sight, broke a rear door window and entered the Lax's house.

POLICE SURROUND HOUSE

Police soon found the Lax's broken door window and quickly surrounded the front and rear of the row house. Members of the police department's civil disturbance unit were rushed to the area with tear gas.

Police used a loudspeaker to urge Wansley to come out of the house and give himself up. Officials also used the loudspeaker to warn neighbors to keep away from the area and not to come out of their homes.

It was about this time that officer Stocker eased his way along adjoining houses to a point just east of the Lax's front porch. Unknown to Stocker, the gunman had crawled out a basement window and was hiding under the porch as Stocker approached, flanked by two plainclothes police detectives.

"I'M HIT!"

They saw each other almost simultaneously. Two shots rang out and Stocker yelled "I'm hit!" as he fell to the grass. The two plainclothesmen, George R. Wilson and Robert P. King, dragged Stocker away from the porch as the bandit kept shooting, sending everyone in the area diving for cover.

Stocker was rushed by ambulance to the Washington Hospital Center, where he was pronounced dead on arrival of a single bullet wound in the chest. An autopsy and coroner's inquest are scheduled for today.

Stocker probably would not have been at the Hamilton Street scene had he not by chance jumped into a police cruiser as it left his stationhouse in pursuit of the bandit's car. The dead officer, a graduate of Coolidge High School, lived at 7350 Landover Rd., Landover, Md. He leaves his wife and 18-month-old son.

After shooting Stocker, the gunman crawled back in the basement window, which was partly hidden by wood latticework extending down from the porch. Wansley made his way up through the house, where he found Mr. and Mrs. Lax sitting in their bedroom with the lights out.

WIFE HELD HOSTAGE

Lax briefly struggled with the bandit and was shot in his side. During the confusion, Lax thought he had subdued the gunman. The wounded homeowner made his way downstairs and outside to police lines—unwittingly leaving his wife behind.

Mrs. Lax then was forced at gunpoint to accompany the bandit through the house—until Wansley slashed himself to death with a butcher knife. Then, she too made her way outside just as police began firing tear gas shells into the house.

Minutes later, police found Wansley's body in a pool of blood on the floor of a second-floor bedroom. Around him were three guns and a black bag containing some of the Lord & Taylor money.

CRIMINAL HISTORY OF JOHN MELVIN ELDRIDGE ALIAS JOHN MELVIN WANSLEY, NEGRO, MALE, DATE OF BIRTH JANUARY 31, 1942, SOUTH CAROLINA

1. Earl Turner, Negro, male, 16 years, of 2014 Rosedale St., N.E. reported that about 4:45 p.m., April 28, 1955, from a closet at the above address, he had stolen one pair of "Cadillac" shoes valued at $17.95. On May 7, 1955, Eldridge, then using the name of Wansley, was arrested for the above offense. The respondent admitted the offense. The shoes were recovered in the bathroom of the respondent's home. On May 20, 1955, a hearing was held by the Juvenile Squad of the Metropolitan Police Department and the respondent was warned and released to his mother's custody.

2. Thelma Coleman, Negro, male, 49 years, of 442 Kentucky Ave., S.E. reported that about 11:45 p.m., March 22, 1958, while in the 600 block of Rhode Island Avenue N.W., with his 35 year old girl friend, they were approached by a Negro male with a gun who demanded money from them. The complainant Coleman gave the subject $5.95 in bills and change and the girl gave him 25¢. At this time the subject with the gun ordered Coleman to leave the scene but instructed the girl to remain there. After Coleman's departure, the Negro male, still holding the gun on the girl, took her to Terry's Tourist House at 1622 Seventh St., N.W. where he raped her. He then took her to the 1500 block of Seventh St., N.W., a laundromat, where he turned her over to another subject who also raped her. Wansley (Eldridge) was arrested for this offense on March 26, 1958, and admitted the robbery but denied the rape charge. He was presented to the Juvenile Court where the rape was nol-prossed for lack of evidence, and the respondent was placed on probation for the robbery charges on August 8, 1958.

3. Roosevelt Robinson, Negro, male, 36 years, of 203 Father Devine Village, Bridgeport, Connecticut, visiting at 611 Q St., N.W., reported that during an altercation at Sixth & Q St., N.W., about 3:15 p.m., August 17, 1960, he was struck in the head with a stick held in the hands of a Negro male, believed to be called "Melvin". The complainant was admitted to the Washington Hospital Center for possible nose and skull fractures.

4. John Melvin Eldridge was arrested about 5:16 p.m. on August 20, 1960, by Detective Albert M. Shutta of the 2nd Precinct for the above described offense. When the case was presented to the U.S. Attorney on August 23, 1960, the case was continued to August 31, 1960, and the charge was reduced to "Simple Assault". On August 31, 1960, the case was dismissed for want of prosecution. The "jacket" of this case is in the archives and the Office of U.S. Attorney could not add any information regarding the dismissal.

5. John P. Byrd, Negro, male, 31 years, of 2515 17th St. N.W., reported that about 10:25 a.m. on September 22, 1960, while in the rear of 737 Lamont St., N.W. and locking his "Sunshine Laundry" truck, he was pushed and at the same time he had snatched from under his arm, 9 yellowish-brown canvas money bags (about $486.67) by a Negro male (physical description given in report). This subject was pursued by a witness who lost the thief in the areaway alongside 705 Irving St., N.W. Eldridge was arrested on September 23, 1960, by Pvt. P. Harris of the 10th Precinct. The case was referred to the Grand July where on October 17, 1960, an indictment for robbery was returned against Eldridge.

6. While awaiting trial on this charge, and out on bond, Eldridge was arrested on November 1, 1960, as a result of a warrant being issued, reopening the charge of assault on Roosevelt Robinson. This warrant was subsequently nol-prossed, but again because the records are at the archives the U.S. Attorney's Office could not supply any explanation for this disposition.

7. John P. Byrd reported that about 9:45 a.m. November 17, 1960, while at 3500 14th St., N.W., he was cut about the face with a knife held in the hands of Eldridge. The defendant was arrested about 10:30 a.m. November 17, 1960, by Pvt. H. F. Bader of the 10th Precinct. This case was presented to the Grand Jury and on December 12, 1960, Eldridge was again indicted for A.D.W.—Knife.

8. This A.D.W. on Byrd came to trial and he was convicted and sentenced on January 27, 1961, under the Youth Correction Act.

9. Due to the disposition of the A.D.W. the Government filed a motion on February 8, 1961, requesting that the previous robbery indictment against the defendant be dismissed. The Government apparently felt that since he had been sentenced and was committed, nothing would be gained by prosecuting the robbery case.

10. Eldridge was released from Lorton Reformatory on August 28, 1963. He was to have been on parole until January 26, 1967. He was under the supervision of the Youth Division of the Federal Parole Board and Mr. C. S. Nock, Jr. was to be his parole officer.

11. On February 4, 1964, Eldridge was arrested for A.D.W.—Gun and Robbery. This case was presented to the Grand Jury and on March 10, 1964, he again was indicted for robbery, and sent to jail where he awaited the trial.

12. Mr. Nock, of the Parole Office was notified on February 7, 1964, of the arrest and he in turn wrote a letter to the Federal Parole Board advising them of the arrest and

requesting that it be investigated. Several days later Mr. Nock received a reply, stating that Eldridge had entered a plea of "Not Guilty" and that he was currently out on bond.

13. On May 13, 1964, Mr. Nock applied for a warrant for Violation of Parole, and this warrant was sent to the District Jail as a detainer.

14. Eldridge went to trial on the robbery charge and was convicted and sentenced on June 5, 1964, to serve from three to twelve years in prison. The case was appealed and Eldridge was released on a $5,000.00 appeal bond.

15. On July 24, 1964, Officer Hiron E. Kirby of the 6th Precinct was concealed behind some shrubs in the 100 block of Hamilton St., N.W. About 3:00 a.m. he observed a 1964 Pontiac enter the block, turn out the lights, and stop abreast of a Cadillac parked at the curb. A Negro male, later identified as Otis Wilbur Caldwell, Jr., 21 years, of 220 14th St., N.E., got out of the car and began to strip the Cadillac. At this time the officer arrested Caldwell but another male, who was seated behind the wheel of the Pontiac, sped off. A scout car pursued the vehicle which struck four parked vehicles after which the operator jumped out of the car and escaped.

16. When Caldwell appeared in court he identified the operator of the vehicle as Eldridge and stated that he would testify against him, because he was the ringleader. The U.S. Attorney issued a warrant and Eldridge was arrested on August 11, 1964, charged with Petit Larceny and Destroying Private Property. When the case came to trial Caldwell refused to identify Eldridge as the operator of the get-away car and the case had to be nol-prossed because there was insufficient evidence to proceed without Caldwell's testimony.

17. On September 16, 1964, in answer to the previously mentioned Violation of Parole warrant that was issued, Eldridge came to the Parole Board, and after a conversation he was released from the custody of the warrant and placed under supervision of the Parole Office again, but on September 22, 1964, that office issued another Violation of Parole warrant which was delivered to the U.S. Marshall to be held in abeyance until the final outcome of the appeal case.

18. Harry Lewis, white, male, 66 years, manager of the Lucky Liquors at 1218 14th St., N.W., reported being held up at the point of a gun by two Negro males. This occurred about 1:45 p.m. on October 30, 1964. One of the holdup men had asked for a bottle of Cutty Sark Scotch when they first entered the store and it was on this bottle, which was left behind, that Eldridge's finger-prints were positively identified by the Metropolitan Police Identification Bureau.

19. A warrant was issued and the defendant arrested on November 1, 1964. The case was presented to the Grand Jury and again he was indicted for Robbery on December 8, 1964.

20. The trial began on April 7, 1965, and ended when the jury returned a verdict of "Not Guilty" on April 9, 1965.

21. The Parole Officer had been notified of the arrest but because Eldridge was acquitted of the charge they did not take any action.

22. Still while on parole, Eldridge was arrested for Disorderly Conduct on June 4, 1965, and he elected to forfeit the $10.00 collateral. The Parole Office was notified but did not take any action in this matter.

23. The defendant's appeal case on robbery went to the Court of Appeals where the conviction was upheld. On January 17, 1966, the defense counsel appealed to the Supreme Court, but they refused to hear the case and sent it back to the Court of Appeals. This Court issued a Mandate on January 27, 1966, to the U.S. District Court.

24. The defendant was to appear before the U.S. District Court on February 21, 1966, and begin his 3 to 12 years prison term, but he did not appear. The Court issued a bench warrant and on February 23, 1966, forfeited the bond. The bench warrant was returned to the court on February 28, 1966, without service. There apparently is a possibility that the order for the bench warrant was vacated by Judge Curran, because the defendant had petitioned the Supreme Court for a rehearing which was denied on February 28, 1966. This information however is not reflected on the trial card in the file room of the U.S. Attorney's Office in the U.S. District Court.

25. Since the defendant had not appeared before the court as required and because the U.S. Marshal's Office had not served the Violation of Parole Warrant issued the second time on September 22, 1965, the defendant was free in March 1966.

26. On March 23, 1966, the defendant again was sought for a robbery hold-up when he was cornered by the police at 435 Hamilton St., N.W. It was here that the defendant committed suicide after killing a uniformed police officer.

Criminal history, John Melvin Eldridge, alias John Melvin Wansley

Petit larceny (1)	1955.
Juvenile, robbery and rape	Apr. 2, 1958.
Assault on Robinson	Sept. 3, 1960.
Do	Sept. 4, 1960.
Do	Dec. 6, 1960.
Robbery and assault on Byrd	Nov. 5, 1960.
Do	Dec. 7, 1960.
Do	Jan. 8, 1961.
Do	Mar. 9, 1961.
Parole	Aug. 10, 1963.
Do	Feb. 12, 1964.
Do	June 13, 1964.
Do	Nov. 17, 1964.
Do	Nov. 21, 1964.
Do	July 22, 1965.
Do	Oct. 25, 1965.
Robbery on Gray	Feb. 11, 1964.
Do	July 14, 1964.
Automobile stripping	July 15, 1964.
Do	July 16, 1964.
Liquor store holdup	Nov. 18, 1964.
Do	Dec. 19, 1964.
Do	May 20, 1965.
Do	Jan. 23, 1966.
Do	Feb. 24, 1966.
Holdup and murder of policeman	Apr. 26, 1966.

ADMINISTRATIVE OFFICE OF THE U.S. COURTS,
Washington, D.C.

Hon. ROBERT C. BYRD,
Chairman, Subcommittee on Appropriations for the District of Columbia, U.S. Senate, Washington, D.C.

DEAR SENATOR BYRD: In Mr. Olney's absence, I am forwarding herewith a copy of the report prepared by the attorney assigned to investigate the facts in the case of John Melvin Eldridge, also known as John M. Wansley. This report was prepared as the result of a discussion between you and Mr. Olney, and of your letter of May 2, 1966, to Mr. Olney.

Our attorney has, in my opinion, done a very thorough job. His report indicates that a gap did in fact exist in procedures, but that this gap has been closed by actions of the various courts concerned, as a result of your inquiries.

The Director plans to bring this matter to the attention of the Judicial Conference Committee on Court Administration at its next meeting, which will be in August of this year. While I do not presume to speak for the Committee, I can say that its practice has always been to bring procedural problems to the attention of the individual courts, and to secure solutions to those problems.

Should you require additional information, I suggest that you or your staff contact Assistant Director William R. Sweeney who attended the meeting in your office with Mr. Olney.

We very much appreciate your bringing this matter to the attention of this office. If we can be of further service, please do not hesitate to call on us.

Sincerely yours,

WILLIAM E. FOLEY,
Deputy Director.

MAY 23, 1966.

INVESTIGATION REPORT, JOHN MELVIN ELDRIDGE

(Submitted by Mr. Berkeley Wright, attorney, Administrative Office of the U.S. Courts)

At the instruction of Mr. Warren Olney III, Director of the Administrative Office of the United States Courts, an investigation was made of the reasons John Melvin Eldridge, who had been convicted and sentenced in the U.S. District Court for the District of Columbia, was not promptly committed following the conclusion of the appeal of his case to the U.S. Supreme Court. The investigation was requested by Senator ROBERT C. BYRD of West Virginia, who had, himself, written to various court officials following the events of March 24, 1966, on which date John Melvin Eldridge killed a policeman and took his own life. Senator BYRD states in the third paragraph of his letter: "The replies to my letters leave me with the feeling that there either has been a breakdown in the administration of criminal justice or that grave weaknesses exist which should be remedied without delay."

My investigation has lead me to concur with Senator BYRD's second alternative: that the system of notification of court officers and other officials should be corrected to provide for any contingency.

Attached hereto as Exhibit I is a chronological summary of pertinent proceedings as shown by the dockets and/or case files in the United States District Court for the District of Columbia, the Court of Appeals for the District of Columbia Circuit, and the Supreme Court of the United States.

Entries on Exhibit I dated prior to the presentment proceeding of February 21, 1966 are primarily for information only, since the presentment proceeding was held in open court with all interested parties present. It will be noted that at this time, a motion was pending in the Court of Appeals to recall the judgment from the District Court, and a petition for rehearing of the order denying certiorari was pending in the Supreme Court.

The District Court Clerk's office, however, had no knowledge of these proceedings in the superior courts. When a case is appealed from the District Court to the Court of Appeals, there will normally be no communication between the courts until the mandate, or certified copy of the judgment of the Court of Appeals, is issued back to the District Court. It follows that the District Court will not be aware when the judgment of the Court of Appeals goes up to the Supreme Court for review. The District Court had received the judgment of the Appellate Court affirming the conviction of the defendant and had duly scheduled the matter for presentment, at which time, in the presence of all parties except for the defendant, a bond forfeiture was declared and a bench warrant issued.

On the basis of the actions pending in the Court of Appeals and the Supreme Court, the defendant's new attorney, James J. Laughlin, on February 24, 1966, requested the court to quash the bench warrant. Based on the petition for rehearing pending before the Supreme Court, Judge Edward M. Curran ordered the bench warrent withdrawn, the bond forfeiture set aside, and the bond reinstated. The presentment of this motion to the judge reportedly did not take place in open court and transpired without notice

to the office of the U.S. Attorney. Knowledge would have been received, however, by the U.S. Attorney's office shortly thereafter through the routine transmission of the daily "blotter," which is a list of proceedings prepared by the Clerk of the District Court from which the permanent case docket entries are prepared.

The United States Attorney's office did not receive knowledge of the denial of the petition for rehearing in the Supreme Court from the Criminal Division of the Department of Justice since, in the opinion of the Criminal Division attorneys, the District Court was bound to carry out the order of commitment as there had been no order of stay pending the petition for rehearing in the Supreme Court.

Rule No. 25 of the Rules of the Supreme Court provides that whenever application for a writ of certiorari to review a decision of any court is denied, the clerk shall enter an order to that effect and shall forthwith notify the court below and counsel of record. Such notification will not be withheld pending disposition of a petition for rehearing except by order of the court or of a justice thereof (see Exhibit II). Pursuant to this rule, the Court of Appeals was given a certified copy of the order denying certiorari on Juanary 17, 1965.

Rule No. 27 of the Rules of Procedure of the Court of Appeals for the District of Columbia Circuit provides that the Court of Appeals will, except in capital cases, or unless it is deemed expedient to issue a mandate, transmit a certified copy of its judgment in lieu of a mandate to the court below. Section (c) of Rule No. 27 provides that, upon receipt of the certified copy of the judgment, the court below may proceed with the case in such manner as is consistent with the opinion and judgment of this court (see Exhibit IIb). It would, therefore, seem that the U.S. District Court should have proceeded to carry out the sentence imposed on June 5, 1964.

The day following the order of February 24, 1966 (Thursday) withdrawing the bench warrant, the Court of Appeals entered its order denying the petition to recall the certified copy of the judgment of the Court of Appeals, which had been issued to the District Court on January 26, 1966. On February 28, 1966 (Monday), the Supreme Court entered its order denying the petition to rehear its order denying certiorari, a copy of which was sent to the Clerk of the Court of Appeals. As previously indicated, the Supreme Court communicates only with the court from which the appeal comes; hence, the District Court was not notified. The Clerk of the Court of Appeals did not transmit notice of the denial of rehearing to the District Court since, on the date of receipt of the notice, the certified copy of the judgment had been issued to the District Court and a motion to recall the judgment had been denied. There was no case then pending in the Court of Appeals. Under Rule No. 27 cited above, the District Court was to proceed in accordance with the judgment.

The essence of the mixup appears to be that the District Court did not do what was expected, but withdrew the bench warrant on the basis of the petition for rehearing which was then before the Supreme Court. With notification procedures predicated upon the assumption that a petition to the Supreme Court for rehearing would not, by itself, stay proceedings, neither the U.S. Attorney's office nor the office of the Clerk of the District Court was notified when the petition had been denied, and John Melvin Eldridge remained at liberty.

REMEDIAL ACTION TAKEN

Following the killing of the policeman and the suicide of John M. Eldridge on March 23, 1966, the United States District Court for the District of Columbia took prompt action to prevent persons from remaining at liberty after conclusion of appellate procedures. The following procedures are now followed:

1. The Clerk of the Supreme Court now notifies the District Court for the District of Columbia directly when orders denying certiorari and orders denying rehearings are entered. It shall be the responsibility of the Clerk to put the necessary procedures into motion for commitment when required.

2. The Criminal Division of the Department of Justice will now notify the United States Attorney by letter when they receive notice from the Solicitor General that a petition for rehearing has been denied.

3. A list will be maintained by the Clerk of the District Court, and a copy by the Assignment Commissioner, of all persons released on bond pending appeal. This list will be checked at least once a month to determine whether changes in status of the cases would require termination of the right to remain on bond.

It would appear that these procedures, which are outlined in more detail in the attached copy of the letter of April 29, 1966 from Mr. David G. Bress, the United States Attorney, to Chief Judge Matthew F. McGuire of the U.S. District Court for the District of Columbia, would effectively prevent this situation from recurring in the District of Columbia (see Exhibit III).

OTHER JURISDICTION

This same situation could occur in other jurisdictions. The writer was advised by the Department of Justice of the following:

On August 16, 1963, Harold James Cutno and three others were indicted and convicted of a narcotics violation in the Eastern District of Louisiana, Case No. 29234. Cutno was sentenced to six years on February 19, 1964 along with two others. The case was appealed to the Fifth Circuit Court of Appeals as docket number 21357, Melvin Jones, Harold James Cutno and Clifford John Woods, appellants, vs the United States. The cause was heard November 18, 1964 and a judgment affirming the District Court was entered December 22, 1964. Certiorari was denied by the Supreme Court of the United States on May 17, 1965 as Case No. 1028.

The information received was that a narcotics squad officer of the New Orleans Police Department informed a deputy marshal that he had seen Cutno on the street. As a result, the U.S. Marshal picked up Cutno on the original judgment and commitment on May 13, 1966. The United States Marshal for the Eastern District of Louisiana was asked for a report on the matter by the Executive Officer of the U.S. Marshal's office in the Department of Justice. This is attached as Exhibit IV.

Apparently, in the Eastern District of Louisiana, it is the practice for the U.S. Attorney to furnish a copy of the mandate of the Court of Appeals affirming the judgment to the U.S. Marshal. Further details of the procedure in the Eastern District of Louisiana, or why the commitment was not executed for a year, are not known.

Since this could apparently happen in any jurisdiction, it is recommended that all U.S. District Courts be requested to search their records of all cases in which criminal defendants have been released on bond pending appeal to determine whether similar oversights have occurred. Each court should also be requested to re-examine its procedure with a view toward preventing this from recurring.

PAROLE VIOLATOR'S WARRANT

Records were reviewed and officials interviewed in the Youth Correction Division of the Board of Parole, the Probation Office of the District Court and the office of the U.S. Marshal.

A parole violator's warrant had been issued for John M. Eldridge following his conviction of robbery on May 4, 1964. Eldridge had previously been released on parole August 28, 1963 from a prior conviction and sentence. The U.S. Marshal was instructed to place a detainer at the District of Columbia jail. When Eldridge advised the Youth Correction Division that he intended to appeal his sentence of June 5, 1964, the detainer was withdrawn and the U.S. Marshal instructed, on June 18, 1964, to hold the warrant pending appeal. It is noted that the actual notice of appeal was not filed until June 25, 1964.

The warrant was later executed by taking Eldridge into custody on detainer following another charge brought against him. On dismissal of the charge, a new parole violation warrant was issued and the U.S. Marshal instructed to hold it pending disposition of appeal and further instructions. This warrant remained outstanding during the remainder of the proceedings and was finally returned unexecuted on March 28, 1966.

Review of the files in the office of the Youth Correction Division of the United States Board of Parole clearly indicated the need for a better method of informing the Parole Board of the status of cases in which it is interested. The file indicated that, periodically, Mr. Claude S. Nock, the Youth Division Executive, would write the Probation Office for a status report. The Probation Office would then check the docket of the District Court, or Court of Appeals, and reply by letter. The Chief Probation Officer stated that it should be the responsibility of each probation officer to keep himself apprised of the status of all cases in which he was interested rather than leaving it to some other office to provide notice.

This appears to the writer to be a hit or miss system of notice for the Parole Board. It is felt that a more systematic channel could be opened, either through the Criminal Divison of the Department of Justice, which is part of the same parent agency, or notification could be achieved by having the Clerk of Court routinely provide the Probation Office and the Parole Board with copies of mandates, or certified copies of judgments, received from the Court of Appeals.

Whether or not a warrant is issued for violation of parole and the instructions given to the U.S. Marshal regarding the warrant lies within the discretion of the Parole Board official concerned with a particular case. In the John M. Eldridge case, the second time Eldridge was arrested while out on bond, one official, on November 16, 1964, recommended that Eldridge not be permitted to remain at liberty. He was apparently overruled, however, and Eldridge was permitted to remain on bond.

LOSS OF ORIGINAL RECORD

The original District Court record cannot be located. The case docket in the office of the District Clerk shows that the original record on appeal was delivered to the U.S. Court of Appeals on August 4, 1964, and a receipt therefor is in the records of the Clerk of the District Court. A supplemental record on appeal was transmitted on January 19, 1965 and a receipt therefor is also in the records of the Clerk of the District Court. This supplemental record consisted of 181 pages of reporter's transcript taken on May 1 and May 4, 1964.

No purpose could be seen in anyone's deliberately hiding or destroying the original record. Papers received in the office of the Clerk of the District Court subsequent to sending the file to the Court of Appeals were in the files. These consisted of the receipts for the record from the Clerk of the Court of

Appeals, a certified copy of the judgment of the U.S. Court of Appeals and transmittal letter, the order declaring forfeiture of the bond, the motion of the defendant's attorney, James J. Laughlin, to quash the bench warrant, the order of Judge Curan withdrawing the bench warrant, setting aside the bond forfeiture and reinstating the bond, and last, the bench warrant returned unexecuted.

The docket in the Court of Appeals shows that an order was entered August 19, 1965 directing the Clerk to transmit the original record to the Supreme Court and, on August 20, 1965, the docket entry shows that the original record was hand delivered to the Clerk of the Supreme Court. Mr. Nathan Paulson, Clerk of the Court of Appeals, has no direct recollection of this case, but relies on the docket entry as evidence of delivery. He advised that, normally, there would be a receipt in the file for the record, but none was there. It was observed that this record was transmitted to the Supreme Court several weeks before any of the other papers in the case were filed with the Supreme Court. The actual petition for the writ of certiorari was not filed until October 2, 1965.

The docket of the Supreme Court of the United States did not indicate the receipt of the record. Mr. John F. Davis, Clerk of the Supreme Court, does not believe the file was ever received. A search of the files by clerks in all three courts failed to locate it.

It was noted, from the file in the Supreme Court, that the record designated by the defendant's attorney for use on petition for certiorari was in the file. This was made up of the judgment of the Court of Appeals affirming the lower court, the motion made to the Court of Appeals for hearing en banc and the order denying the same, the designation of the record and the certificate of the Clerk of the Court of Appeals. The receipt of this record was not shown on the docket of the Supreme Court.

EXHIBIT 7

John M. Eldridge (also known as John M. Wansley): Criminal Nos. 183-64—U. S. District Court for the District of Columbia; 18820—U. S. Court of Appeals for the District of Columbia Circuit; M-65 746—United States Supreme Court.

CHRONOLOGICAL SUMMARY OF PROCEEDINGS

8/28/63—Eldridge released on parole (supervision of parole officer).

3/10/64—Indicted for robbery.

5/4/64—Trial and conviction.

6/5/64—Sentence 3-12 years by U. S. District Court.

6/25/64—Notice of appeal.

7/15/64—Defendant admitted to bail pending appeal.

5/20/65—Judgment of Court of Appeals affirming judgment of District Court.

6/11/65—Order granting motion to stay transmission of judgment of Court of Appeals to Clerk, U. S. District Court.

8/3/65—Order of Court of Appeals denying petition for rehearing by Court of Appeals en banc.

8/19/65—Order staying transmission of judgment of Court of Appeals affirming the judgment of the District Court for the period permitted by law for filing certiorari, and directing the Clerk of the Court of Appeals to transmit the original record to the Supreme Court.

8/20/65—Certified original record hand delivered to the Clerk of the Supreme Court.

10/2/65—Petition for writ of certiorari filed in Supreme Court.

1/17/65—Petition for writ of certiorari denied by the Supreme Court.

1/20/66—Certified copy of order of the Supreme Court denying certiorari received by Clerk of the Court of Appeals.

1/26/66—Certified copy of judgment of Court of Appeals (affirming judgment of the District Court of 5/20/65) transmitted to District Court. (Note: Certified copy of judgment sent instead of mandate.) Copy sent to U.S. Attorney.

1/27/66—Above received and filed in District Court.

2/7-8/66—Motion of appellant to Court of Appeals to recall judgment.

2/11/66—Petition for rehearing filed in Supreme Court.

2/21/66—Case called in U.S. District Court for defendant to begin sentence. Defendant did not appear. Bond forfeited. Bench warrant ordered issued. Judge Curran.

2/24/66—Motion of defendant (through his new attorney, James J. Laughlin) to quash bench warrant. Order withdrawing bench warrant, setting aside the bond forfeiture and reinstating the bond issued. This occurred in chambers without notice to the U.S. Attorney's office.

2/24/66—Bench warrant returned unexecuted by U.S. Marshal.

2/25/66—Per curiam order of Court of Appeals denying motion to recall certified copy of judgment.

2/28/66—Petition for rehearing of order denying certiorari in Supreme Court denied.

3/1/66—Notice that petition for rehearing of order denying certiorari received by Clerk of the Court of Appeals.

EXHIBIT 2

RULES OF THE SUPREME COURT

Rule 25. Order granting or denying certiorari—

2. No mandate issues upon the denial of a petition for writ of certiorari. Whenever application for a writ of certiorari to review a decision of any court is denied, the clerk shall enter an order to that effect, and shall forthwith notify the court below and counsel of record. Such notification will not be withheld pending disposition of a petition for rehearing except by order of the court or of a justice thereof.

EXHIBIT 2a

U.S. COURT OF APPEALS, DISTRICT OF COLUMBIA

Rule 27—Mandates.

(c) Transmission of Opinion and Judgment in Lieu of Mandate; Issuance of Mandate if Necessary.

In the absence of a direction by the Court that a formal mandate issue, it shall suffice for the Clerk to transmit to the proper court * * * a copy of the opinion, if any, and a certified copy of the judgment of this Court * * *. Upon the receipt of the copy of the opinion, if any, and of the certified copy of the judgment of this Court, the court below may proceed with the case in such manner as is consistent with the opinion and judgment of this Court * * *.

(e) Stay Pending Application for Certiorari.

Where in any case a motion is made to stay the mandate or to stay the transmission of the opinion and the certified copy of the judgment pending application to the Supreme Court for certiorari, such stay shall not exceed 30 days, unless extended by order of this Court. If during the period of the stay there is filed with the Clerk of this Court a notice from the Clerk of the Supreme Court that the petition for writ of certiorari has been filed in that Court, the stay shall continue until final disposition by the Supreme Court. Upon the filing of a copy of an order of the Supreme Court denying the petition for writ of certiorari, the copy of the opinion and certified copy of the judgment shall be transmitted to the proper court, or the mandate shall issue if same be required by this rule or be directed by the Court.

EXHIBIT 3

DEPARTMENT OF JUSTICE,
May 13, 1966.

To: Hon. James J. P. McShane, Chief Executive Office of U.S. Marshals.

From: Victor Wogan, Jr., U.S. Marshal LA(E).

Subject: Cutno, Harold James—LA(E) Criminal #29243.

On Thursday 12 May 1966 at about 4:00 PM(CST) this office received a phone call from the Executive Office U.S. Marshals asking to know why this office refused to arrest subject and what about a Deputy U.S. Marshal being "Thrown Out" of the U.S. Attorneys'—LA (E)—office.

First the alleged refusal to effect arrest is emphatically denied as never during the writer's tenure as U.S. Marshal has an order not been promptly carried out and the reference' to being "thrown out" of the U.S. Attorneys office is not only untrue but absolutely ridiculous, as the relationship and cooperation between both these offices, has been and is in fact unusually good. This office was completely without information regarding subject other than that he was out under $5,000.00 Bond since 7 August 1963.

The following is a report on the action taken by this office as of today:

1. Determined from the files of the 5th U.S. Circuit Court that appeal had been denied subject under date of 24 May 1965 (Up until this time—13 May 1966 this office was not aware of this writ being denied.)

2. Prior to assigning a Deputy U.S. Marshal to effect the arrest of subject the writer visited the U.S. Attorney and explained what had occurred. He was informed that having determined that since the appeal was denied subject almost a year ago he should be arrested—to which the U.S. Attorney agreed. But called to his office the Assistant U.S. Attorney—to which subject's case was assigned—who admitted that he had called an agent at the Bureau of Narcotics "a couple of days ago" and ordered subject picked up. Asked why the Bondsman was not notified to have subject "brought in" or at least notify the Marshal—he said that he preferred having the Agency involved make the arrest and also said he knew nothing about a Deputy U.S. Marshal being "thrown out."

3. Agreed with the U.S. Attorney on remedial procedures which would control and prevent a recurrence of this incident.

REMEDIAL PROCEDURE

1. That the U.S. Attorney upon receipt of mandates upholding lower court decision or writs of certiorari denying defendant he will so notify U.S. Marshal in writing and furnish the Marshal with a copy of this mandate.

2. Request the U.S. Commissioner to furnish the Marshal with information as to the release bond in such cases.

3. Actually it is an impossibility for the Marshal to make proper entries on returns on Criminal Form #25-A or effectively compile the necessary data on the DJ-100.

CC: Honorable Herbert W. Christenberry, U.S. District Judge; Honorable Fritz H. Windhorst, U.S. Commissioner; Honorable Louis A. LaCour, U.S. Attorney.

EXHIBIT 4

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF THE U.S. ATTORNEY,
Washington, D.C. April 29, 1966.

Hon. MATTHEW F. MCGUIRE,
Chief Judge, U.S. District Court for the District of Columbia, U.S. Courthouse, Washington, D.C.

DEAR JUDGE MCGUIRE: Pursuant to arrangements made at the recent conference in your chambers, a meeting was held between the members of my staff, Mr. Lowther, the Assignment Commissioner and the Clerk of the District Court to develop the procedures we discussed relating to enforcement in criminal cases of judgments of the District

Court and the Court of Appeals upon transmittal of the judgments of the Court of Appeals.

It was agreed by all that the necessary steps to secure compliance with judgments or mandates would be undertaken within the various offices of the District Court. The Clerk of the District Court will maintain a list of cases in which bond pending appeal has been taken. The list will be supplied to the Assignment Commissioner. In addition, when a judgment of the Court of Appeals is received, the Clerk will forthwith notify the Assignment Commissioner who will undertake to arrange for necessary calendaring of the case for further appropriate action.

Where commitment of a defendant is necessary, the Assignment Commissioner's Office will arrange promptly for that to occur. The Assignment Commissioner will notify the bondsman, or the probation office in cases of personal recognizance, to produce the defendant for commitment. Of course, an order of revocation of bond pending appeal is to be treated as an order to secure commitment.

Where the judgment requires commitment of the defendant, it was understood and agreed by all that commitment should not be delayed or the defendant released after commitment solely because of the pendency of a petition for rehearing or for certiorari or some collateral proceeding. It was agreed that, absent recall of the judgment or an order staying its effect issued by the Court of Appeals or the Supreme Court or an order of either of those Courts granting further bond pending certiorari, the defendant must be committed and remain in that status.

If commitment is not required by the Court of Appeals judgment pending certiorari in the Supreme Court of the United States, the Clerk of the Supreme Court has agreed to forward a copy of any order entered there directly to the Clerk of the District Court. In that way the District Court will always be advised of Supreme Court action and will not have to rely on notification by the Court of Appeals or counsel in the case.

It is agreed that in all criminal cases where the judgment of the Court of Appeals has been received, the Office of the Clerk and the Assignment Commissioner will undertake the responsibility of maintaining the case in an active status until satisfied that necessary action on the judgments, including commitment, has been taken.

In cases where a superior court orders a new trial, the matter will be referred to the Assignment Commissioner and the Court for appropriate calendaring, appointment of counsel, and setting of pretrial bond. Where a defendant is to be released, the Clerk will notify the appropriate prison authorities so that prompt release will result. When the judgment of the Court of Appeals requires some further hearing, the Assignment Commissioner will be notified by the Clerk, and the case set down for further proceedings as required without awaiting the initiative of counsel for either side.

It is my understanding that the Court desires, in cases where commitment is required after receipt of judgment, that this be accomplished in open court with a so-called presentment proceeding. It is my belief that such formality is not required and might possibly result in unwarranted delay of commitment. However, I am told that for reasons of internal administration, including the exoneration of bondsmen, the issuance of bench warrants and the administrative handling of commitment orders, the Court, its Clerk and Assignment Commissioner prefer formal presentment in cases requiring commitment. This, of course, is a matter for the Court, and my office will assist as requested in those proceedings.

It is also agreed that the procedures outlined above are required to be followed in two other instances not involving the formal transmittal of the appellate judgment. One situation occurs when an appeal is dismissed by agreement. In such cases the Clerk of the Court of Appeals does not transmit a judgment but transmits a copy of the agreement. It is agreed that upon receipt of such a document the Clerk of the District Court will insure prompt commitment when necessary as in the case of a transmitted judgment. In a number of instances the Court of Appeals will transmit at the time of promulgation an order in the nature of a judgment. Care will be taken by the Clerk's Office to insure that these documents are treated as mandates when transmitted and that prompt compliance will result.

In view of the fact that habeas corpus actions and actions under 28 U.S.C. § 2255 are treated as if they were civil cases, it was agreed that the procedures outlined above for criminal cases should also apply to cases of this type.

In order to prevent a defendant having an appeal bond set at the sentencing proceedings and thereafter securing his release without filing a notice of appeal, the Clerk's Office has advised that it does not accept any recognizances pending appeal until a notice of appeal is filed.

It is thus understood that in connection with compliance with superior court judgments in criminal, habeas corpus and § 2255 cases, the Court, through the administrative facilities of the Clerk's Office and the Assignment Commissioner's Office, will undertake prompt compliance with the judgment and, when required, arrange for prompt commitment of the defendant on bond. A system has now been established in the Clerk's Office and the Assignment Commissioner's Office for checking of the status of persons on bond not less than once each month. Cases will thus be kept in an open status until final disposition, including commitment when appropriate, so that the possibility of prolonged, undiscovered error will be eliminated and delay in commitment or other proper steps will be reduced to a minimum. This outlined procedure contemplates that compliance with judgments will no longer await the initiative of the United States Attorney's Office or counsel for the defendant.

Recent revelations regarding a defendant whose commitment was erroneously delayed have caused a check of the records of the Appellate Division of this office to be made back to 1950. As a result of that check, two additional instances were brought to the attention of the Court and commitment was thereupon promptly effected. In order that we can be certain that no other errors of a similar nature have occurred, and in view of the urgency of this matter, I have requested that the Clerk make an independent check of court records in all cases appealed in which the defendant was, at any time since 1950, released on bond after conviction. The Clerk indicates there is some manpower problem in making such a review. Nevertheless, I suggest that the Court direct that it be done.

Sincerely yours,

DAVID G. BRESS,
U.S. Attorney.

CLERK'S OFFICE,
U.S. DISTRICT COURT FOR THE
DISTRICT OF COLUMBIA,
Washington, D.C., April 8, 1966.

HON. ROBERT C. BYRD,
Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: In connection with your telegram of April 7, addressed to this office, there is set forth below a résumé of the docket entries pertinent to the commitment of defendant Samuel W. James, Criminal Number 91–62.

April 23, 1963: Certified copy of the judgment of the United States Court of Appeals affirming the judgment of this court.

April 30, 1963: Certified copy of the judgment referred to above presented in open court and defendant committed to the District of Columbia jail.

May 15, 1963: Certified copy of an order from the United States Court of Appeals directing the return of the copy of the judgment and the opinion entered on April 23, 1963 and staying the reissuance through and including May 29, 1963.

May 22, 1963: Order of this court authorizing the defendant to be released on bail in the sum of $15,000.00 until such time as the Supreme Court acts upon the writ of certiorari.

May 23, 1963: Appearance bond in the sum of $15,000.00 with the Resolute Insurance Company as surety filed.

July 10, *1963:* United States Court of Appeals returned the original record containing the District Court's file copy of the reporter's transcript, etc.

July 15, *1965:* Certified copy of the judgment of the United States Court of Appeals, affirming the judgment of the United States District Court, reissued July 1, 1963.

Under a well established practice, for almost twenty years, the Criminal Action Branch of this office has prepared a daily blotter from which the docket entries are typed into permanent form. A copy of such blotter is forwarded to the United States Attorney's Office and one to the Assignment Commissioner's Office.

It is assumed that the docket entry of April 30, 1963 would have closed the case in the United States Attorney's Office as well as in the Assignment Commissioner's Office.

However, the entry of May 15, 1963 would indicate that the matter was reopened by the recall of the judgment by the United States Court of Appeals. Also, the entries of May 22 and 23, releasing the defendant on bond, would point to the reopening of the case inasmuch as defendants committed for service of sentence are not released on bond. The docket entry of July 15, *1965* should have resulted in a procedure for the commitment of the defendant as did the entry of April 23, 1963. (See entry of April 30, 1963) This office has no known explanation for the failure to record, until July 1, *1965*, the judgment by the Court of Appeals reissued on July 1, *1963*, other than to surmise that the reissued judgment was returned directly to the file room of this office instead of to our regular docket clerk.

I am also advised that when the United States Court of Appeals issues a mandate, a copy is at the same time forwarded to the office of the United States Attorney, as well as when a recalled mandate is reissued.

Neither the proceedings in open court recorded on the front of the file jacket nor the docket entries indicate why the mandate reissued on July 1, 1963 came to our attention on July 15, 1965. However, in Criminal Number 655–65, on July 19, 1965, Mr. J. K. Hughes, defense counsel in both cases, for defendant Samuel W. James, argued a motion for a continuance of trial date before Judge Keech. It is very probable that some inquiry or remark by defense counsel, on or about July 15, 1965, put this office on notice that the docket entries in Criminal Number 91–62 may not have been complete.

Assuming that our appraisement of the cause for such a situation is correct, steps have already been taken to eliminate a repetition.

However, in this particular area, the function of the Clerk is only to record the filing of the judgment reissued by the United States Court of Appeals, but it does

not initiate proceedings for the commitment of a defendant released on bail or under bond.

The criminal prosecution involving John Melvin Wansley, Alias John Melvin Eldridge, did not involve a practice or proceeding in this office. However, as it relates to a case filed in this court, I undertook to correct a possible reoccurrence by contacting Mr. John Davis, Clerk of the Supreme Court of the United States, who indicated to me that he would gladly forward in the future a copy of that court's action in connection with the denial of any petition for a writ of certiorari.

In the event I have been overzealous in an attempt to be as brief as possible in response to your inquiry directed to this office and you find that the facts recited need amplification or explanation, please do not hesitate to contact me either by telephone, or correspondence. The Government Code for this office is 1204, and Extension 228.

Very truly yours,

ROBERT M. STEARNS,
Clerk.

SENATE APPROPRIATIONS COMMITTEE,
April 7, 1966.

Mr. ROBERT M. STEARNS,
Clerk, U.S. District Court for the District of Columbia, U.S. Courthouse, Washington, D.C.:

Today's Washington Post indicates that a convicted housebreaker, Samuel W. James, was free for almost three years because the review denial notice was lost or misplaced "because it was not logged on the docket book under James' name." Please advise whether this occurred through a fault in your office and what action has been taken to prevent a recurrence. Please indicate also whether faulty procedure in your office had any part in the failure of the authorities to rearrest John Melvin Wansley, alias John Melvin Eldridge, who killed a police officer following the recent robbery at Lord and Taylor department store.

ROBERT C. BYRD,
U.S. Senator.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF THE U.S. ATTORNEY,
Washington, D.C., April 11, 1966.

Hon. ROBERT C. BYRD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BYRD: I am in receipt of your telegram of April 7, 1966 requesting a full report on the case of John M. Eldridge, alias John M. Wansley, and Samuel W. James. I am also in receipt of a letter addressed to you from the Solicitor General dated March 31, 1966 regarding the Eldridge case.

Judge Marshall's letter accurately recites the facts of that case and I shall not burden you with repetition. As a result of the Eldridge case, I ordered a complete investigation of all criminal appeals in which this office participated since 1950 to make certain that no other mistakes in complying with appellate court judgments have gone undetected. As a result of this investigation, my staff discovered the James case and one involving Jerry Summerlin. The District Court was immediately notified of the failure of compliance with the judgments in those cases and arrest warrants were issued by the court. Both defendants were committed within a few days.

As to the James case, available information reveals that a judgment of the Court of Appeals affirming his conviction and sentence to two to six years was received by the District Court on April 23, 1963. James was committed thereon on April 30, 1963. He had been on bond pending appeal, set by the District Court in the amount of $10,000, since June 1, 1962. On May 13, 1963, the Court of Appeals, on James' motion, recalled its judgment and stayed reissuance thereof until May 29, 1963. James then secured his release on bond pending appeal on May 23, 1963, this time in an amount of $15,000 on an order of the District Court dated May 22, 1963. The records of this office reflect this order was seen by a then Assistant United States Attorney.

The Supreme Court denied James' petition for a writ of certiorari on June 17, 1963. The Court of Appeals reissued its judgment on July 1, 1963. The reissued judgment of the Court of Appeals was not docketed by the Clerk of the District Court until July 15, 1965. Inquiry of the Clerk does not reveal any reason why two years elapsed between the reissuance of the judgment and its docketing. According to the records of the United States Attorney's Office, notice of the reissuance of the judgment of the Court of Appeals of July 1, 1963 was received on July 2, 1963. The Clerk's office appears to be at a loss to understand how this oversight occurred nor is it able to explain the absence of any action after July 15, 1965.

As to the Summerlin case, available information reveals that Summerlin was released on bond pending appeal on December 16, 1964. Thereafter, the Court of Appeals affirmed the conviction, and on February 2, 1965 the judgment of the Court of Appeals was transmitted to the District Court. The District Court did not order Summerlin's commitment because of representations made to it on Summerlin's behalf that a petition for certiorari was pending in the Supreme Court. Thereafter, the Supreme Court denied certiorari on May 3, 1965. That Court denied rehearing on June 6, 1965. From February 7, 1965 the Court of Appeals had pending before it Summerlin's motion to recall the judgment. That Court did not act on that motion until June 18, 1965, after the Supreme Court had denied rehearing. At that time the motion to recall judgment was denied. Since its judgment was never recalled, the Court of Appeals apparently felt it unnecessary to communicate further with the District Court.

I am advised by the Clerk of the District Court that arrangements are presently being made to have the Clerk of the Supreme Court notify him of action on petitions for rehearing so that he may thereafter make a determination whether a defendant should be committed. In order to provide all possible additional assistance to this office in keeping track of the status of convicted defendants, the Criminal Division of the Department of Justice will, in the future, routinely advise my office of denials of all petitions for rehearing in District of Columbia criminal cases.

Although it has been a traditional practice for the Clerk of the District Court and the United States Marshal's office to handle the matter of commitment of defendants in compliance with judgments of the Court of Appeals, I have established a procedure of routine checking to insure that a criminal defendant has been committed. In all cases of release on bond pending appeal, a special list will be maintained, to be checked by a lawyer instead of a clerk, so that the Clerk's office will be promptly alerted or checked to see if any change in appellate posture of the case terminates the right to remain on bond. I am now satisfied that the procedures which have been put into effect will prevent any recurrence of the Eldridge problem.

Sincerely yours,

DAVID G. BRESS,
U.S. Attorney.

SENATE APPROPRIATIONS COMMITTEE,
April 7, 1966.

Hon. DAVID G. BRESS,
U.S. Attorney,
U.S. Courthouse,
Washington, D.C.:

Washington Star of March 25 stated that John Melvin Wansley, alias John Melvin Eldridge, who killed a District policeman after the Lord and Taylor robbery, had exhausted final appeal to Supreme Court on February 28, but "the word did not get from the Solicitor General's office to the U.S. Attorney's office for the District."

Please supply full report regarding defective communications in this instance. Also indicate whether actions are being taken to prevent recurrence. Moreover, please supply report concerning today's Washington Post story regarding case of Samuel W. James, convicted housebreaker, who "remained free for almost three years after losing an appeal because the papers authorizing his rearrest were overlooked." Additionally, indicate whether there are similar cases at the moment.

ROBERT C. BYRD,
U.S. Senator.

U.S. MARSHAL,
DISTRICT OF COLUMBIA,
Washington, D.C., April 15, 1966.

Hon. ROBERT C. BYRD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BYRD: This letter is in reply to your telegram dated April 7, 1966, and further implements my telegram to you dated April 8, 1966, concerning a parole violator warrant for John Melvin Eldridge, also known as John Melvin Wansley.

The records of our Warrant Squad reveal that on May 13, 1964, a parole warrant was issued by the United States Parole Board for the arrest of Eldridge and forwarded to our office with instructions to file a detainer on the subject, who then was incarcerated in the District of Columbia Jail. The basis for this warrant was Eldridge's conviction in the United States District Court for robbery on May 4, 1964. On May 14, 1964, a detainer was placed against Eldridge at the District of Columbia Jail. Thereafter, on May 18, 1964, we received a letter from the United States Parole Board modifying its instructions and advising us to withdraw the detainer and hold the parole warrant in abeyance pending the disposition of an appeal then filed by Eldridge in the United States Court of Appeals. On September 16, 1964, this parole warrant was executed by our office and Eldridge was again committed to the District of Columbia Jail.

On September 22, 1964, the United States Parole Board forwarded another warrant to this office for the arrest of Eldridge. This warrant, likewise, was accompanied by instructions from the Board to withhold execution of it pending the disposition of Eldridge's appeal and further instructions from the Board.

The latter warrant was never executed but held in abeyance in this office pursuant to instructions from the United States Parole Board. On March 28, 1966, the warrant was returned unexecuted to the Board at its request.

If this office can be of further assistance to you in this matter, kindly advise.

With kindest regards, I am

Sincerely yours,

LUKE C. MOORE,
U.S. Marshal.

WASHINGTON, D.C.

Hon. ROBERT C. BYRD,
U.S. Senate,
Washington, D.C.:

This is in reply to your telegram concerning a parole violator warrant for John Melvin Eldridge, also known as John Melvin Wansley. Our records reveal that a parole warrant was issued by the U.S. Parole Board for Eldridge on September 23, 1964. Execution of the warrant was withheld pursuant to instructions from the parole board. A letter setting forth this matter in detail will follow under separate cover.

LUKE C. MOORE,
U.S. Marshal for the District of Columbia.

SENATE APPROPRIATIONS COMMITTEE,
April 7, 1966.

Hon. LUKE C. MOORE,
U.S. Marshal,
District of Columbia,
U.S. Courthouse,
Washington, D.C.:

I am informed that on March 23, 1966, when John Melvin Wansley, alias John Melvin Eldridge, killed a police officer following the robbery of the Lord and Taylor department store, your office was holding a warrant for his arrest for violation of parole. Please advise why this warrant had not been served.

ROBERT C. BYRD,
U.S. Senator.

OFFICE OF THE SOLICITOR GENERAL,
Washington, D.C., April 8, 1966.

Hon. ROBERT C. BYRD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BYRD: In response to your telegram of April 7, I am advised by the Criminal Division of this Department that it notified the United States Attorney of the denial of certiorari in the case of Samuel W. James on June 17, 1963. By a call to the United States Attorney, I have ascertained the identity of the other case to which you refer. The records of the Criminal Division show that in that case notice of the denial of certiorari was sent to the United States Attorney on May 3, 1965. In both instances, the notice was sent on the day that the Supreme Court's order was issued.

The office of the United States Attorney has further informed me that it is providing you with a detailed explanation of the reasons for the failure to implement, at the district court level, the mandates which were received by the district court in the above cases. I also note for your information (1) that I am advised by Mr. Bress's office that he has checked all old cases relating to the status of convicted defendants in order to ascertain whether the mandate from the appellate court was implemented, and (2) that the system to which I adverted in my letter of March 31 is in effect.

Sincerely,

THURGOOD MARSHALL,
Solicitor General.

SENATE APPROPRIATIONS COMMITTEE,
April 7, 1966.

Hon. THURGOOD MARSHALL,
Solicitor General, Department of Justice,
Washington, D.C.:

Thank you for letter of March 31 responding to my March 29 telegram. You advised me that "at this time there are no cases in which the U.S. Attorneys lack such information," the information being with regard to denials of rehearings as well as denials of certiorari concerning cases involving appeals to the Supreme Court.

Today's Washington Post reveals one case involving Samuel W. James, convicted housebreaker, who remained free for almost three years after losing an appeal because the papers authorizing his rearrest were overlooked. The press story also states "at least one other case may be acted on."

Please advise me as to the apparent discrepancy between today's news story and the statement in your letter.

ROBERT C. BYRD,
U.S. Senator.

OFFICE OF THE SOLICITOR GENERAL,
Washington, D.C., March 31, 1966.

Hon. ROBERT C. BYRD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BYRD: I am writing in reply to your telegram of March 29 which quotes a statement from the Washington *Star* to the effect that the Solicitor General did not communicate with the United States Attorney concerning the Supreme Court's denial of rehearing in the case of John Eldridge, also known as John Wansley. That denial of rehearing took place on February 28, 1966.

It has never been the practice of Solicitors General to communicate directly with United States Attorneys in order to inform them of actions taken in the Supreme Court. Rather, we immediately submit to each operating division of this Department all orders relating to cases for which that division has responsibility in the lower courts. In other words, we transmit to the Criminal Division all orders relating to criminal cases, to the Tax Division all orders relating to tax cases, to the Antitrust Division all orders relating to antitrust cases, etc. To the extent that the operating divisions believe that the action in question calls for communication or consultation with one or more United States Attorneys, contact is made by the Assistant Attorney General in charge of the division concerned. I note, parenthetically, that the Supreme Court's order lists are posted in the Supreme Court and are independently published, very shortly after their issuance, by various publications including the *U.S. Law Week* and the *New York Times.*

Wansley's case was, of course, a matter under the jurisdiction of the United States Attorney and the general supervisory authority of the Criminal Division. I am advised that when the Criminal Division was informed of the denial of certiorari in his case, it so informed the United States Attorney in accordance with its routine practice. It did not communicate further with the United States Attorney when the subsequent petition for rehearing was denied. Since Wansley had not applied to the Supreme Court (pending his petition for rehearing) for a stay of the order denying certiorari, the Criminal Division did not believe that the filing of that petition would have any effect upon his status.

I am informed by the United States Attorney that the following events took place following the denial of certiorari on January 17, 1966. On January 26, 1966, the court of appeals, having been notified in ordinary course by the Clerk of the Supreme Court of the denial of certiorari, issued its mandate to the district court. On February 21, 1966, the district court, in open court and in the presence of an Assistant United States Attorney, issued a bench warrant for Wansley's arrest. On February 24, 1966, James J. Laughlin, as counsel for Wansley, represented to the district judge that he was seeking rehearing of the denial of certiorari and obtained an order from the district court withdrawing the bench warrant. The events of February 24, I am told, took place without any notice to the United States Attorney. In other words, the office of the United States Attorney assumed, as of February 21, that the United States Marshal was already under an effective and continuing instruction to apprehend Wansley as soon as he might be found. It was not aware that any further steps were required in order to insure his apprehension. This, it seems to me, was the critical failure of communication.

However, in order to provide all possible additional assistance to the efforts of United States Attorneys to keep close track of the status of convicted defendants, I have suggested to the Assistant Attorney General in charge of the Criminal Division that his division make it a routine practice to call to the attention of the appropriate United States Attorney all denials of rehearing as well as all denials of certiorari. Assistant Attorney General Vinson agrees with this proposal and it has been put into effect. Accordingly, I am able to advise you at this time that there are no cases in which the United States Attorneys lack such information.

Sincerely,

THURGOOD MARSHALL,
Solicitor General.

MARCH 29, 1966.

Hon. THURGOOD MARSHALL,
Solicitor General,
Justice Department,
Washington, D.C.:

Washington Star of March 25 states that John Melvin Wansley, who killed a District policeman after last Wednesday night's Lord and Taylor robbery had exhausted final appeal to Supreme Court on February 28 but "the word did not get from the Solicitor General's office to the U.S. Attorney's office for the District." Please supply a full report regarding defective communications in this instance. Also indicate whether actions are being taken to correct situation to prevent recurrence. In addition, indicate whether there are similar cases at the moment which have not been brought to attention of United States Attorney's office.

ROBERT C. BYRD,
U.S. Senate.

U.S. DEPARTMENT OF JUSTICE,
U.S. BOARD OF PAROLE,
Washington, D.C., April 7, 1966.

Re John M. Eldridge, Reg. No. DCDCY-129985.

Hon. ROBERT C. BYRD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BYRD: This will acknowledge your telegram of today as well as confirm our telephone conversation regarding the case of the above named. Our records show that Eldridge was sentenced on January 27, 1961, in the District Court for the District of Columbia to an indeterminate sentence under the Youth Corrections Act for the offense of assault with a dangerous weapon. He was committed to the Youth Center at Lorton, Virginia, and he was released on parole on August 28, 1963, after having been confined for some 31 months.

Mr. Eldridge was released from the Youth Center to be supervised by a U.S. Probation Officer until January 26, 1967. Initial supervision reports received indicated that his adjustment was within normal bounds until notice of his arrest on February 4, 1964, on charges of assault with a deadly weapon and robbery. Subject denied involvement in these offenses and at the time of his arraignment in March 1964 he entered a plea of not guilty. Upon notice of his conviction of the charge of robbery on May 4, 1964, we issued a parole violation warrant on May 13, 1964, and instructed the U.S. Marshal to file a detainer in our behalf. On June 15, 1964, we were advised that his conviction had been appealed and appeal bond in the amount of $5,000 had been set. In view of this, the U.S. Marshal was instructed to hold our warrant in abeyance pending perfection of the appeal.

On August 12, 1964, we were notified that Eldridge was then in the District of Columbia Court of General Sessions on charges of attempted petty larcency, destruction of movable property and traffic violations. On this basis, the U.S. Marshal was instructed to refile a detainer in our behalf at the D.C. Jail. On September 16, 1964, Eldridge came in custody on our parole violation warrant. Concurrently with this action, we were notified that the above mentioned charges were dismissed. Since the Youth Division's position was therefore essentially unchanged, that is, a warrant sustained on the one charge of robbery which conviction has not been finalized since in appeal status, the Division processed an order releasing Eldridge from custody but concurrently with that action issued a new parole violation warrant instructing the U.S. Marshal to hold that warrant in abeyance pending perfection of appeal of the May 4, 1964, robbery conviction.

On November 9, 1964, we were advised by the U.S. Probation Officer that subject had been arrested on October 31, 1964, on charges of robbery and possession of prohibited weap-

on. Eldridge, here again, denied guilt and no further action was taken with respect to our warrant which was being held in abeyance. He was retained in custody at the D.C. Jail until mid-January 1965, when he was released on bond. On April 9, 1965, subject was in fact found not guilty of that robbery offense.

At the time of the recent tragedy, our parole violation warrant was still in the hands of the U.S. Marshal being held in abeyance pending perfection of appeal of the May 4, 1964, robbery conviction, which we now understand had been finalized affirming that conviction. We have been in regular contact with the U.S. Probation Officer regarding status of appeal. Our most recent information reflected that the conviction had been affirmed but delay in communicating this action to the trial court was occasioned by a further petition to the Supreme Court for a re-hearing.

We trust that this information will be of service to you and we will be glad to furnish you with further needed material if possible.

With kind regards, I am,

Sincerely yours,

JAMES A. CARR, Jr.,
Chairman, Youth Correction Division.

SENATE APPROPRIATIONS COMMITTEE,
April 7, 1966.

Mr. CLAUDE S. NOCK, Jr.,
Youth Division Executive,
Board of Parole, Washington, D.C.:

Re John Melvin Eldridge, alias John Melvin Wansley, who killed a policeman on March 23 following Lord and Taylor robbery, why was Eldridge continued on parole from August 28, 1963, in the face of the fact that (1) on February 4, 1964, he was arrested for assault and robbery and was convicted on the robbery charge on June 5, 1964; (2) on August 11, 1964, he was arrested for petit larceny and destroying private property; and (3) on November 1, 1964, he was arrested on a charge of robbery after his fingerprints were positively identified on evidence at the scene of the crime.

ROBERT C. BYRD,
U.S. Senator.

DEATH OF CHARLES L. WATKINS, FORMER PARLIAMENTARIAN OF THE SENATE

Mr. MORSE. Mr. President, this morning's newspapers report to all of us in the Senate the very sad news of the death of Charles Watkins, who for many, many years was the Parliamentarian of the Senate.

Prior to his appointment as Parliamentarian of the Senate—as I recall, in the year 1935—he was on the staff of the Senate. Throughout his professional career he made one of the most dedicated records of public service in the Senate within my knowledge since I became a Senator.

He was a kindly, courteous, Christian gentleman, and a keen scholar of parliamentary law. In fact, probably no one during his later years was better versed in the intricacies of parliamentary law than Charles Watkins.

In 1953, he published a little masterpiece of concise writing under the title, "Enactment of a Law: Procedure on a Senate Bill—Revised, Under the Direction of Mark Trice, Secretary of the Senate, by Charles L. Watkins, Senate Parliamentarian."

Mr. President, I have found this concise and accurate monograph to be of great assistance to young people in high school and college who write to me and ask me questions about Senate procedure in connection with the enactment of a law. I have always been proud to send them for their reading and study this little masterpiece.

In 1957, Charles Watkins was the author of a book entitled "Senate Procedure," which was revised and brought up to date in 1963. This book was coauthored by Charles Watkins and our present, very able Parliamentarian, Floyd M. Riddick. In fact, Mr. Floyd M. Riddick was associated as Assistant Senate Parliamentarian working side by side with Mr. Watkins for many years. In many ways, this book of procedures and precedents coauthored by Mr. Watkins and Mr. Riddick sets forth the procedures which bind and govern each one of us as we do our work here in the Senate.

It is impossible for us to evaluate the great contribution that Charles Watkins made to parliamentary law and order in the Senate during his many years of dedicated service to all of us who sit in this body and, through us, to the American people.

Some evaluation of the standing of this man in his profession is borne out by the fact that in 1945 he was selected as the Parliamentarian for the great, historic International San Francisco Conference which brought forth the Charter of the United Nations.

Those of us who knew him on a personal basis knew him to be not only a kindly man but also one who never hesitated to go far beyond the line of duty to be of assistance to us as we sought to work out our various parliamentary problems in the Senate.

Had it not been for his guidance on many occasions, as I became involved in various parliamentary debates in the Senate, I would have been lost. Never, on a single occasion, did he fail to give me the correct rulings which I needed in advance in order to guide my work in the Senate.

His passing is a great loss. In one sense, it closes a chapter in the history of the Senate. Charles Watkins leaves a great memorial and monument behind him in the form of his scholarly writings in the field of parliamentary law.

Mrs. Morse joins me in expressing our deepest sympathy to his loved ones in this time of sadness.

Mr. MANSFIELD. Mr. President, I wish to join the distinguished Senator from Oregon in the remarks which he has just made about Charles Watkins, the Senate's first Parliamentarian. Charles Watkins served the Senate effectively, efficiently, and with great integrity for more than 60 years. In the twilight of his long and productive life, no one can claim surprise at his passing, although death comes always as a sudden shock.

Charles Watkins made a lasting mark for himself in this body. And as the Senator from Oregon has stated, his monument is in the works which he has left behind.

As a parliamentarian he was without peer. We are fortunate to have as our present Parliamentarian Floyd M. Riddick, a man who is living up to and, indeed, who is equally devoted to the high standards set by Charles Watkins.

We missed Charles Watkins when he left us voluntarily a few years ago. We miss him now. We will remember him always for his graciousness, his kindness, his courtesy, his understanding, and particularly, for his keen knowledge and appreciation of parliamentary law and procedure.

Mr. FULBRIGHT. Mr. President, I note with sadness the death of Charlie Watkins. Until his retirement in 1964, Mr. Watkins was the first and only Parliamentarian of the U.S. Senate. I ask unanimous consent that a biographical statement be printed at this point in the RECORD.

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

CHARLES L. WATKINS

Charles L. Watkins, born at Mount Ida, Ark., August 10, 1879; graduate of the Mount Ida Normal Academy and of the Law Department, University of Arkansas.

Clerk in the offices of the attorney general and of the Governor of the State of Arkansas, 1899–1901.

Clerk of the commission created by the Arkansas State Legislature to provide for the erection of a building and for exhibits at the World's Fair to be held in St. Louis, Mo., in 1903 (opening later postponed to April 30, 1904), celebrating the centennial of the Louisiana Purchase in 1803; 1902–4.

On December 1, 1904, the day following the close of the fair on November 30, he was appointed stenographer in the office of U.S. Senator James P. Clarke, of Arkansas; in 1907 was named as his secretary; and in 1911 was appointed clerk of a minority committee to which Senator Clarke was assigned as chairman.

For approximately 14 months in 1913–14, during the political campaign for reelection of Senator Clarke, he served on the latter's personal payroll, but on July 16, 1914, he was appointed as a clerk in the office of the Secretary of the U.S. Senate; served in various positions in that office until June 15, 1919, when he was appointed Minute and Journal Clerk of the Senate.

In 1923, when one of the reading clerks, who advised the Presiding Officer of the Senate on parliamentary matters, became incapacitated, he assumed that duty also. On July 1, 1935, the office of Parliamentarian never having been created, his title was changed by the Senate to Parliamentarian and Journal Clerk. On July 1, 1937, the combined duties of his position were separated, and he was appointed as Parliamentarian.

In April 1945 he was named by Secretary of State Stettinius as the official parliamentarian at the United Nations Conference at San Francisco, having been given leave from the Senate for that purpose.

His service with the Senate was continuous from July 16, 1914, a period of over 50 years, with a total service, however, of approximately 59 years. He died on August 29, 1966.

Mr. FULBRIGHT. Mr. President, many tributes were paid to Charlie Watkins upon his designation as Parliamentarian Emeritus of the U.S. Senate on January 4, 1965. Only a relatively few months have passed since that occasion, and the fond memory of Charlie is still clear in the minds of all Senators who knew him.

Charles L. Watkins was a distinguished son of the State of Arkansas. He served his State and country long

and faithfully. May he always be remembered as a wise and considerate gentleman—ever loyal to this institution of democratic government.

Mr. YARBOROUGH. Mr. President, yesterday a great American and faithful public servant, Mr. Charles L. Watkins, died. Until his retirement in late 1964, Charles Watkins was the first and only Senate Parliamentarian. He was a veritable institution in the Senate with 50 years of continuous service to his credit. He served with distinction and will long be remembered by all who know him through the years When I came to the Senate in 1957, Charles L. Watkins was an adviser and friend; I found his counsel invaluable and will never forget his wise, kindly advice. We of the Senate mourn his passing but are grateful for his great contribution to this body.

Mr. McCLELLAN. Mr. President, it is with deep personal sorrow that I have learned of the passing of my dear friend and close associate, Charles Watkins. Able, dedicated, and selfless, he served with distinction as an official of the U.S. Senate for 60 years—30 years of which he was its highly respected and admired Parliamentarian. Recognized by members on both sides of the aisle for his superb knowledge of parliamentary procedures and for the astuteness and fairness of his rulings, he enjoyed the esteem, affection, and confidence of all Members of this great deliberative body. I am proud indeed to have been associated with this fine and outstanding man—citizen of Arkansas—gentleman and scholar—who so greatly distinguished himself and the State from which he came.

TRIBUTE TO GENERAL SCHRIEVER ON HIS RETIREMENT

Mrs. SMITH. Mr. President, this can be said of Gen. B. A. Schriever: In an age of technology, he made people important; in the era of the unmanned satellite, he never abdicated his confidence in the ultimate and irreplaceable value of man.

Five years ago, General Schriever told a group of ROTC cadets:

> I have spent 15 years in Air Force research and development and have directed the development of some of this country's most advanced weapons. Yet I consider man to be the most important element in our military strength today. And I believe he will continue to be.

On this, the eve of his retirement from active military service, the commander of the Air Force Systems Command is the proof of his own convictions. He personifies the trust the country can place in the inestimable worth of the individual. He stands as a living example of the merit of man as maker, manager, and master of the tools of technology and the products of scientific and technical innovation.

General Schriever would be the last to claim the name of genius or submit to that compliment being thrust upon him. Yet William James called genius "the faculty of perceiving in an unhabitual way." If this is genius, does it not also require a special kind of ingenuity to be able to identify, select, and assemble a task force of people qualified to think and to act in an "unhabitual" way?

The ballistic missile challenge demanded just that type of unique talent. General Schriever himself reflected recently on the personnel dilemma he faced in 1954.

He recalled:

> Our personnel standards were extremely high. We wanted people who had actually done things—officers and airmen who had a record of achievement in some particular field. Moreover, we needed people who were not afraid of unconventional and unorthodox approaches to engineering and management problems.

The man who forged America's military spacepower began with a 10-member team of technical and managerial revolutionists, and built a nationwide force of aerospace evolutionists. His accent-on-people credo emphasized the importance of the man in management, and stressed team spirit as the energizer and sustainer of research and development.

Whether you agree that the times produce the man, or argue that history is the result of men's actions upon their environment, there is little doubt that General Schriever will be remembered for three things: the faith he fostered in people, the motivation he supplied by personal example, and the defense systems his leadership produced against the odds of time, technology, and unbelief.

The Atlas was only a blueprint and sputnik had not yet signaled the advent of the space age when General Schriever dubbed ballistic missiles "springboards to space." Unmanned satellites were still an uncertain novelty when General Schriever predicted that men would pilot the spacecraft of the future.

In a time of technological triumphs, General Schriever saw the future as the consequence of faith in the potentials of people. He recognized that science and technology hold no salvation for the hopes and fears of humanity without the personal and professional dedication of individuals committed to the resolution of fears and the realization of hopes. He sensed strongly that missiles on guard and satellites in orbit would become meaningless monuments if the causes of peace and progress were not served to human purpose.

A half-dozen years ago General Schriever said:

> You cannot build creative ability into a machine; you cannot design a circuit to take the place of courage; and you cannot enclose dedication to freedom in a magic black box.

We live in the ages of science and technology. But General "Ben" Schriever, for all his service to the creation and perpetuation of those passports to progress, would not be a man for the ages if he had allowed the glamour of electronics or the grandeur of hardware to overshadow the skills, the talents, and the dedication of thousands of individuals who—collectively—gave shape and significance to the products of their efforts.

In one of the last articles he wrote as Commander of the Air Force Systems Command, General Schriever said:

> We have reached a decisive point in time and space.

Indeed we have. The confidence he held in people and in their capacity to do the job has been demonstrated. The assurance he has expressed in the central role men are to play in the exploration and use of space remains to be confirmed.

General Schriever is retiring; but we are not. The finest tribute we in the Government can pay to his untiring efforts will be a continued, unrelenting dedication to the purposes of peace and progress through faithfulness to the people who make the attainment of these objectives possible.

Since the poet Virgil first sang of "arms and the man" the two have remained inseparable. The credibility of our national defense is no greater than the capability of the people who are the source and strength of that defense. Theirs is a public trust of the highest order. Gen. Bernard A. Schriever has fulfilled that responsibility in exemplary fashion during his long and honored service in the U.S. Air Force.

THE OMBUDSMAN PROPOSAL

Mr. DIRKSEN. Mr. President, of special interest to the Members of Congress and the people of our Nation is an article entitled "Ombudsman Proposal Gains Interest," written by Dana Bullen, outlining a speech made before the American Bar Association meeting in Montreal, Canada, by Assistant Counsel Benny L. Kass, Senate Subcommittee on Administrative Practices. I ask unanimous consent that the article be printed at this point in the RECORD.

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

[From the Washington (D.C.) Star, Aug. 19, 1966]

OMBUDSMAN PROPOSAL GAINS INTEREST

(By Dana Bullen)

Gradually joining "skoal" and "smorgasbord" in the American vocabulary is a third Swedish word, "ombudsman." Some day it may be as well known as the two others are now.

The ombudsman is the title of the Swedish official whose job is to press the ordinary citizen's gripes against government. He doesn't believe that you can't fight city hall.

Armed with the authority of the legislative branch of the Swedish government, the ombudsman has a carte blanche to raise cain with bureaucrats, chop through red tape and generally get things done.

Literally, the word means simply "one who represents someone." Sweden has had an ombudsman since 1809. A handful of other countries now have similar officers.

The interesting thing, though, is that serious thought now is being given to setting up the same system in this country.

Bills to create American ombudsmen are before legislatures in California, Connecticut, Illinois and Rhode Island. Similar moves have been promised in Missouri and Nebraska as well. In Congress, proposals for a "tax ombudsman" and a complaint-handling agency to aid congressmen are in the hopper.

A model ombudsman bill for the District of Columbia will be introduced soon.

Outlining the developments in a speech at the American Bar Association meeting in Montreal last week, a Senate aide claimed that the average individual presently has little recourse against actions of government.

"There is today a great cleavage between the so-called common man and his government," said Benny L. Kass, assistant counsel for the Senate subcommittee on administrative practices. "We must create the machinery to help the citizen fight his city hall."

Kass suggested that one of the most dramatic legal developments of the next half-century will be the creation of offices at all levels of government to help the ordinary citizen "ventilate his complaints against maladministration or improper administrative procedure."

Such claims already run the gamut from slow trash collection to police brutality. And the latter claim, founded or unfounded, has played a part in the unrest that has threatened law and order in American cities recently.

A credible method of swiftly checking such claims might do much to drain off tensions that lead to riots. Equally as important as pressing legitimate claims against government is the ombudsman's role in clearing government agencies of false charges.

"The ombudsman," said Sen. EDWARD V. LONG, D.-Mo., at Senate hearings in March on Sweden's system, "not only finds faults and corrects wrongs; he also absolves civil servants and government agencies from wrongful charges and unfair accusations of guilt."

The net result, said LONG, chairman of the Administrative Practices subcommittee, is to create an atmosphere of increased confidence and respect for government.

Creation of some type of ombudsman system, if it does come about, will not be easy. There are a number of vested interests at stake.

"There is concern, and rightfully so, that an ombudsman would usurp some of the historic and legitimate functions of a Congressman—the handling of constituent grievances and complaints," Kass told the lawyers in Montreal.

Add to this the feeling of judges that courts provide adequate remedies for official misconduct plus the uneasiness of civil servants at the prospect of a new inspector general and the obstacles facing any ombudsman system become apparent.

One casualty of the congressional fears already may be the bill, introduced by Rep. HENRY S. REUSS, D.-Wis., to set up a new agency like the legislative reference service now at the Library of Congress to service constituents' complaints to their Congressmen and Senators.

Although such complaints, which some estimate account for 75 percent of a congressman's staff time, burden Capitol Hill offices, they also give the legislator a concrete way of demonstrating to the folks back home that he is protecting their interests in Washington.

The Reuss suggestion reportedly was shot down three weeks ago in a report by a joint Senate-House committee on congressional organization, which reportedly said that "case work (the name given complaint servicing) is a proper function of the individual member of Congress and should not be delegated to an administrative body."

Such setbacks, however, do not mean that the ombudsman idea, or some form of it, will not eventually be adopted.

"There is a growing body of opinion which insists that neither the democratic process nor the law is adequate to deal with grievances of the citizen against his government or its agencies," a Canadian speaker warned United States lawyers in Montreal last week.

And with government growing steadily, and its impact on individuals spreading, the need can only increase for effective ways of handling citizen's real or imagined gripes about government.

IT IS HIGH TIME THE ADMINISTRATION MADE POSSIBLE THE REVIVAL OF GOLD MINING

Mr. GRUENING. Mr. President, in 1849, gold was found at Sutter's Mill in California and the great gold rush roared from the east to the west coast, bringing with it the development of the West and the lands between the Atlantic and the Pacific. Nearly 10 years later another great strike at Pike's Peak in Colorado brought sudden wealth to some, a way of life to many, and made its contribution to the growth of America.

Alaska was the locale of the next great gold rush in 1880. It led to the founding of Juneau, now the State capital. As in the thousands of other wilderness spaces of the West where gold was found, the gold miners were the vanguard of civilization and unprecedented development of rich resources. The discovery of gold meant, in large part, the discovery and the winning of the West and the opening of the continent to incomparable opportunities for the achievement of national wealth and power.

In the 19th century and the early years of the 20th, gold was more than a cold metal, more than the standard for value of currency. It was a romantic symbol of great wealth and of high adventure in the land of the American West.

For many years, gold did bring wealth as well as a colorful livelihood to the fortunate miners who discovered it, recognized what they had discovered and sold it. In years past the gold mines of Alaska, Arizona, California, Colorado, South Dakota and the other States where gold was found, produced millions of dollars for their discoverers. In 1940, the mining and sale of gold poured more than $170 million into the economy of the Nation. That was the greatest and most profitable year of all for the gold mining industry in America, but it was the last year gold mining was a business from which one could reasonably expect to make a living at all, let alone a fortune.

Since the peak year in 1940 the American concept of gold and gold mines has suffered a sad change. No longer regarded as the way to become rich and prosperous, gold mining has fallen to a low point in our history in terms of gold mined and its contribution to the Nation's economy. For many years it has been neither popular nor reasonable to think in terms of making money mining gold. Very few gold mines are open at all and the number of people who make a living at this once proud occupation has declined tragically.

The reason for this, of course, is the mystical and unchanging opinion of the Treasury Department that the price of gold must be forever maintained at a price set by Executive fiat in 1934—$35 an ounce. While this price has, by control of the executive branch of the Government remained the same, the cost of everything required to produce gold—wages of miners, machinery, transportation, taxes, power, and all the other supplies and commodities essential to a mining operation has steadily increased. Indeed, it is estimated these costs have risen in the magnitude of 125 percent on the consumers price index since the good year of 1940.

In addition to the squeeze on the industry of an unrealistically low price combined with higher costs of producing the gold, the gold miners suffered from the unjustly discrimnatory action taken against them by the War Production Board in 1942, during World War II. That agency, ill advised and mistakenly, issued an incredible order closing the gold mines of America on the premise gold miners would leave the gold mines to work in essential copper mines or in the mines producing strategic minerals. This was an action taken by no other country at war and against no other industry in the United States. The miners did not, of course, go to work in other mines, but the closure of the gold mines during the war has made it impossible for most of them to reopen. Costs of reopening the mines, most of which have long since fallen into disrepair and decay, have made it prohibitive for the gold mines to work again.

Having sought and been denied, relief in the courts in the Central Eureka case in 1958, the gold miners have come to Congress repeatedly seeking redress of their grievances. Repeatedly legislation—good legislation—has been introduced, hearings have been held and the cooperation of the executive branch has been implored in an effort to obtain for the gold miners some measure of justice. And just as repeatedly these efforts have failed and failed again because of the peculiar attitude of the Treasury Department, meekly followed by the Interior Department, that any aid to gold miners would somehow be conceived as an effort to change the price of gold, thereby producing an international financial panic.

The hysterical resistance of the executive branch to help for the gold miners has even reached the stage at which Members of Congress have been cautioned that mere discussion of legislation in aid of gold mining would result in terrible dislocation of the international monetary system, bringing about economic chaos all over the world. That this is not the case has been demonstrated by the fact that, in the last Congress a bill introduced to compensate gold miners for differences in costs of production in 1940 and current costs was reported by the Senate Interior and Insular Affairs Committee and no financial panic whatever ensued. The fears and threats of the Treasury Department were completely unfounded.

However, the opposition of the executive branch has been so powerful that it has not been deemed possible to enact the bill reported.

It is my hope this will not be the case with the bill I am pleased to report today, S. 1377, which I introduced during the first session of this Congress with Senators BARTLETT, BIBLE, KUCHEL, MCGEE, MCGOVERN, METCALF, and MUNDT.

This is the same bill as S. 2125 reported by the Senate Interior and Insular Affairs Committee in the 88th Congress. Its purpose is simple—to make gold mining once again an industry in which a profit can be made and restore the great industry to the place it once held as a proud and productive part of the American economy.

In reporting this bill today, I feel more optimistic than before that the executive branch of the Government has finally wakened to the importance of the Nation of mining gold and may be persuaded to cooperate, at long last, on achieving measures to revitalize the industry.

While the signs of changing attitudes in the executive branch are not now strong enough to indicate a real gold strike and fortune for the gold miners, actions have been taken in recent months by the Department of the Interior that show a belated but agreeable understanding of the basic fact that gold mining is important to the United States. It would seem that the well publicized losses of gold our country has sustained over the last years would have long ago jolted our policymakers of the Government into action to achieve greater production. It can certainly be no secret to the international bankers, supposedly panicked by any aid to American gold miners, that American supplies of gold for monetary exchange have been falling and it can also be no secret to bankers or to the Treasury Department that gold must be mined if it is to be available for monetary, as well as all other purposes. Therefore, it would seem to be elementary logic that gold miners should be encouraged to mine gold.

Finally, it seems some brave souls in the Department of the Interior have gotten the message that something should be done to encourage gold mining. A press release from the Department on August 10 announced the glad tidings of an important new find of gold by the Geological Survey at Cortez, Nev. The Department announced with great excitement that a mineralized area containing potentially significant amounts of gold and other heavy metals had been located by application of modern-day methods of prospecting developed by the Geological Survey. New procedures of geochemical exploration had been applied under a recently accelerated search for heavy metals the Survey and the Bureau of Mines have been authorized to undertake.

Pointing out that the heavy metals, including gold, silver, platinum, mercury, bismuth, antimony, tantalum and tin "are in short supply, and are being consumed at a rate far exceeding domestic production," Director William T. Pecora of the Geological Survey and Dr. Walter Hibbard, Director of the Bureau of Mines announced for publication the new departure of the Department of the Interior in emphasizing use of recently discovered techniques in geological and metallurgical science to develop, in cooperation with industry and universities, new domestic sources of supplies of heavy metals to meet deficiencies.

Emphasizing the importance of establishing the location of new domestic sources of heavy metals to augment deficient known reserves, Assistant Secretary of Interior J. Cordell Moore has called attention to the rate at which consumption is outpacing production of platinum metals and mercury, to say nothing of gold and silver. In the case of gold and silver the rate of deficiency is 3 to 1 for commercial and artistic purposes alone, not taking account of supplies needed for monetary reserves.

In addition to the new program of concentrated exploration for valuable minerals, including gold, the Department has undertaken an imaginative program of marine exploration which promises yet greater finds of mineral riches at the bottom of the sea off the coast of Alaska. In fact, the Geological Survey and the Bureau of Mines are operating a small fleet of three specially equipped vessels designed to explore for gold, silver, platinum and other treasures. The three vessels, *Virginia City, Grass Valley,* and *Cripple Creek* are now at work off the shore of Alaska, using highly sophisticated detection equipment to scan the sea bottom for minerals.

These new methods of locating hidden treasure of the earth and the sea are welcome developments to an industry long starved for some sign of interest in mining, especially gold mining, by the Federal Government. Those interested in progress of the mining industry and revitalization of the gold mining industry, in particular, are looking forward to obtaining more information about the progress the Bureau of Mines and the Geological Survey are making in showing the way to locations where profitable claims may be staked.

However, it is necessary to point out that exploration and discovery are not enough, alone, to bring good times back to the gold miners. Until gold, having been discovered, can be profitably mined, these needed treasures will lie dormant and unused in the earth and on the bottom of the sea.

That is why we must enact legislation to make it profitable for the gold miners to bring the rich ores to the surface and make them ready for use—either as backing for our currency or for commerical purposes. It remains my conviction this can best be done by the method proposed in S. 1377, the bill now ready for action by the Senate. This measure to compensate gold miners for the differences between today's costs of production and those of the last profitable year for the industry will provide the impetus necessary to make the new program of scientific exploration worthwhile. It is useless to find promising sources of precious minerals unless they can be mined, processed and put to good use.

Thus, it is my hope the Senate will respond and give the Secretary of the Interior the stimulus needed to make the exploration program a real success by enacting S. 1377.

ARE EXPORTS TO THE COMMUNISTS KILLING AMERICAN BOYS?

Mr. MUNDT. Mr. President, increasingly and understandably, angry protests are rolling into Washington from the parents of American servicemen and others over present governmental policies which permit—if in fact they do not encourage—the exportation of American products to Communist countries which in turn are supplying the bulk of all military supplies being utilized in killing American servicemen in Vietnam.

I believe we should promptly and completely cut off all exports of supplies to Communist countries so long as the war continues and so long as the Communist countries continue to provide the strategic supplies and military equipment which contribute to our mounting casualty lists in Vietnam. To me, it is unthinkable and unspeakable shortsightedness on the part of this administration to permit American corporations to sell to an active enemy in time of war.

I was gratified, therefore, to read in the St. Louis Globe-Democrat of August 15 an editorial emphatically supporting my position. I ask unanimous consent that the editorial, published in that important Missouri newspaper, be printed at this point in my remarks.

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

[From the St. Louis Globe-Democrat, Aug. 15, 1966]

No amount of tortured reasoning can justify this nation's export of strategic materials and data to Communist bloc countries engaged in furnishing war supplies to the enemy in North Vietnam.

Nor can any feat of mental gymnastics make palatable the U.S. government-financed shipment of $70,869,000 in American products over a 14-month period to Communist nations of Eastern Europe.

The beneficiaries—Hungary, Rumania and Yugoslavia—are reliably believed to have furnished substantial help to the VC, although the facts about assistance to North Vietnam by Red nations of Europe are classified secret and withheld from the public.

Poland has received large loans from America, some still outstanding, and Polish ships are among the chief carriers of war materials to North Vietnam.

It would be criminally indefensible if we profited monetarily from dealings with the enemy and the net result is loss of American lives in battle.

Mr. MUNDT. Mr. President, an editorial published in the August 17 issue of the highly respected Wall Street Journal makes a related point on the failure of this administration to face up to the fact that we are in a cruel and savage war which should require an adjustment of public policies to the conflict conditions in which we are involved. The editorial deplores the sharp rise in Federal civilian employment and bureaucratic payrolls at a time when war-stimulated inflationary trends have put interest rates at a 40-year high. I ask unanimous consent that the editorial be printed in the RECORD.

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

[From the Wall Street Journal, Aug. 17, 1966]

In the face of the Administration's expressed devotion to economy . . . how do you explain the recent sharp increases in Federal civilian agency payrolls?

It is a little hard to figure out how some Federal agencies can defend the growth in their payrolls over the past 10 years. Why has the Agriculture Department had to in-

crease its employes from about 85,000 in 1955 to the more than 118,000 it has now?

A similar swelling has occurred in . . . HEW, now with more than 99,000 employes as compared with 40,000 in 1955. In its mostly unsuccessful efforts to keep up with the mails, the Post Office Department payroll, in the same period, has grown from 511,000 to almost 674,000. What has happened on the labor front to cause the Labor Department's growth in personnel from 5,000 in 1955 to almost 10,000 today?

This kind of bureaucratic excess would be bad enough at any time. It is inexcusable at a time when, as the Administration must be aware, there's a war on.

FREEDOM OF INFORMATION

Mr. LONG of Missouri. Mr. President, on July 4, 1966, President Lyndon Johnson signed into law S. 1160, the freedom of information law. In accordance with the provisions of this law, it will not become effective until next July 4.

Clark Mollenhoff, National Sigma Delta Chi Freedom of Information Committee chairman, has written an article on this new law in the August 1966, issue of the Quill magazine.

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

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

THE FEDERAL FOI LAW: MEANINGFUL IF . . .

(By Clark R. Mollenhoff, National SDX Freedom of Information Committee Chairman)

No law is any better than it is administered. It would be well for the press to keep this in mind now that the federal information legislation (S. 1160) has been passed by the Congress and signed by President Johnson. We have had the example of 5 U.S.C. 22 (the housekeeping statute) that for years was twisted from its intended purpose as a records custoday statute into an authority for withholding information.

The new federal records law will be meaningful if it is understood by the press and the public and is used as a device to force government agencies to produce documents. It will be meaningless if it is not used, or if political appointees or career bureaucrats are permitted to twist its nine exemptions into an unintended authority to withhold. The exemptions set forth in the law include military secrets and other information affecting the national security; confidential trade, industrial and technical data; personnel and medical records of federal employes; reports of banks and other financial institutions, and correspondence between federal officials which would not ordinarily be available to individuals engaged in litigation with the government.

To be realistic, we must accept that a change in the law does not change the attitudes of those bureaucrats who have tried to claim personal proprietary interests over documents in their custody. Neither will it change the tendency of bureaucrats and political appointees to try to impose secrecy and to avoid disclosure of corruption or mismanagement.

The nine exemptions are generally reasonable and necessary if properly interpreted in the narrowest sense, but can be a problem if interpreted broadly. Even as the legislation is becoming law, it is safe to predict that there will be periodic efforts by agency lawyers and administrators to give the nine exemptions the worst interpretation possible and convert them into broad umbrellas for secrecy.

It will be up to the Congress, the public and the press to meet bad interpretations with immediate challenges to keep the withholding within the bounds intended by Congress. It will be up to editorial writers and reporters to create the kind of fuss that will make the political appointees and bureaucrats wary of tampering with this legislation.

This is the caution I am sure would be voiced today by such men as the late Dr. Harold L. Cross, who served for years as counsel for the American Society of Newspaper Editors, and Dr. Jacob Scher, the lawyer-journalist who served as a professor at Northwestern University and for a time as a special counsel for the Moss Government Operations Committee. Harold Cross and Jake Scher did a great deal of the spade work research that formed a background for the legislative work of Representative JOHN MOSS (Dem., Cal.) the late Senator Thomas Hennings (Dem., Mo.) and Senator EDWARD LONG (Dem., Mo.) on amendment of 5 U.S.C. 22 and on the more recent passage of S. 1160.

I stress the need for challenges to bad interpretations of the new legislation because there has been too little challenge and too little concern for some other information problems in recent years. There has been no effective continuing challenge to the Defense Department for the continuation of the order of October, 1962, that requires all civilian and military personnel to report all contacts with reporters to the Pentagon press office. This represents an effort to discourage and coerce the dissenters. Assistant Secretary of Defense Arthur Sylvester has been able to make this order stick because of press lethargy that might as well be acceptance of this order. It would be tragic if a similar press lethargy on the interpretations of S. 1160 should permit the bureaucrats to make a 180-degree turn and bend it into a federal withholding law instead of a public information law. Remember it has happened before; on 5 U.S.C. 22, and it can happen again.

MAIL SERVICE

Mr. YOUNG of North Dakota. Mr. President, a great many people all over the United States have been experiencing increasing difficulties in obtaining adequate mail service to their residence, farm or place of business.

The citizens of North Dakota have been no exception. Regulations of the Post Office Department make it virtually impossible for rural residents in sparsely settled areas to obtain extensions of rural routes to provide badly needed mail service.

These difficulties are also common in our cities. I have just received a letter from the Honorable Herschel Lashkowitz, mayor of the city of Fargo, N. Dak., together with a resolution adopted by the Fargo City Commission protesting the policies of the Post Office Department which make it impossible for residents in new areas of our cities to receive the door to door mail delivery service.

Mr. President, I would like to associate myself with the views expressed by Mayor Lashkowitz and the Fargo City Commission and I ask that this letter and resolution be included in the RECORD as a part of my remarks.

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

CITY OF FARGO, N. DAK.,
August 25, 1966.

Hon. MILTON R. YOUNG,
U.S. Senator, State of North Dakota, Senate Office Building, Washington, D.C.

DEAR SENATOR YOUNG: You will please find enclosed certified copy of a Resolution adopted by the Board of City Commissioners of the City of Fargo at its Regular Meeting of August 23, 1966.

I believe the Resolution speaks for itself. However, I want to add my emphatic personal endorsement to the contents.

The Postal Service of our great nation is designed to serve all people without discrimination and, certainly, without difficulty, and if the present policy of curb-side delivery is continued, we will be discriminating, perhaps inadvertently, against the handicapped, the elderly and the shut-in.

Respectfully,

HERSCHEL LASHKOWITZ,
Mayor and President, Board of City Commissioners.

CITY OF FARGO, N. DAK., RESOLUTION REQUESTING RECONSIDERATION OF STREET MAILBOXES IN RESIDENTIAL AREAS

President Lashkowitz urged that the Board adopt a Resolution, as follows.

Commissioner Johnson offered the following Resolution and moved its adoption:

"Whereas the Board of City Commissioners of the City of Fargo, North Dakota, has considered the use of curb-side mailboxes in the residential areas, as proposed by the United States Postal Department; and

"Whereas it was unanimously agreed by this Board that such curb-side mailboxes would detract from the aesthetic qualities of the residential neighborhoods; and

"Whereas curb-side placement of mailboxes would cause a hardship to the elderly, the handicapped and the shut-in people in the residential areas; and

"Whereas such location of the mailboxes would present a very real and serious obstacle to street snow removal and, in all probability, result in damage both to the mailboxes and to snow removal equipment: Now, therefore, be it

"*Resolved*, That the Board of City Commissioners of the City of Fargo, North Dakota, joins with the North Dakota League of Municipalities in urging the Post Office Department to reconsider its proposal for the installation of curb-side mailboxes in the residential areas; and further,

"*Resolved*, That certified copies of this Resolution be forwarded to the Congressional Delegation of the State of North Dakota, the Postmaster General, the Postmaster of the City of Fargo, and the North Dakota League of Municipalities."

Second by Oakey. On the vote being taken on the question of the adoption of the Resolution Commissioners Markey, Johnson, Korsmo, Oakey and Lashkowitz all voted aye.

No Commissioner being absent and none voting nay, the President declared the Resolution to have been duly passed and adopted.

HERSCHEL LASHKOWITZ,
Mayor and President, Board of City Commissioners.

CERTIFICATE OF CITY AUDITOR

State of North Dakota,
County of Cass, ss.

I, F. R. Fahrlander, do hereby certify that I am the duly appointed, qualified and acting City Auditor of the City of Fargo, North Dakota; and

That the foregoing is a full, true and correct copy of a Resolution adopted by the Board of City Commissioners of the City of

Fargo at the Regular Meeting of the Board held on Tuesday, August 23, 1966; and

That such Resolution is now a part of the permanent records of the City of Fargo, North Dakota, as such records are filed in the office of the City Auditor.

[SEAL] F. R. FAHRLANDER,
City Auditor, City of Fargo, North Dakota.

THE QUALITY OF FOREIGN AID

Mr. McGEE. Mr. President, quite likely no one is so well equipped to discourse on the quality of foreign aid programs, their strengths, and their weaknesses as David E. Bell, the former Administrator of the Agency for International Development.

Mr. Bell has written for the July issue of Foreign Affairs an excellent article emphasizing the direction that foreign aid should take—toward self-help by the underdeveloped nations. He has developed, too, the importance of pluralism, both of public and private efforts, in assistance to the developing nations. It is a sharp and informative article by a man who knows his subject, and knows it well. I ask unanimous consent that Mr. Bell's article entitled "The Quality of Aid" be printed in the RECORD.

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

THE QUALITY OF AID

(By David E. Bell)

We still have much to do to adapt our arrangements for administering foreign aid to the fact that a successful aid program must be a process of partnership. Foreign aid is not something a donor does *for* or *to* a recipient; it is something to be done *with* a recipient. This is the reason for the growing emphasis on self-help by aid recipients. There is by now a strong consensus—although far from complete unanimity—that foreign aid in all its forms will produce maximum results only insofar as it is related to maximum self-help. This is the opinion of leading public officials and development scholars in developing countries as well as in advanced countries.

The broad concept of partnership and self-help applies to technical assistance projects, in which the purpose increasingly is to establish effective permanent institutions in the developing countries. Therefore foreign technical advice and training are made available only if those receiving aid commit themselves to establish the necessary administrative and legal framework, provide necessary budget funds, make available appropriate trainees and, on a specified timetable, take over full management and support of the enterprise.

As for technical assistance, we need to upgrade substantially the quality of our work. Aid donors and recipients need jointly to set higher standards of excellence for their joint work. I think more needs to be demanded of aid recipients by way of serious commitment, major improvements in policies, responsibility for funding and providing personnel. And I think more needs to be demanded of aid donors; higher quality resources, applied over longer periods, with persistence, imagination and a greater sense of personal involvement and pride in the outcome.

The concept of partnership and self-help applies to capital projects as well. Here, too, there is increasing agreement that completing a physical structure—a factory, a dam, a stretch of road—is not enough. What is needed in a developing country is the capacity to plan, execute and maintain capital projects, and the commitment of funds, talent and other resources to sustain them.

Also, more emphasis ought to be placed on the word "development" and less on the word "banking." I certainly do not mean to slight banking values; unless a project meets sound technical and economic standards, it will end up as a net drain on a developing country's economy, not a net contribution to its growth. But funding is in a sense the lesser part of the task. The greater part is to deal with the capital project in its broader setting, and to take full advantage of the opportunities the project presents for institutional changes—through training, through policy improvements, through the development of competence in operations and maintenance—so that a particular project will make a maximum contribution to national development.

Some of our A.I.D. people in the field feel so strongly about this point that they have suggested it is a mistake to think—as we customarily do—of technical assistance and capital assistance as separate categories. They suggest that the objective invariably should be to develop institutional capacity in the developing country, and that technical and capital aid should be related in whatever combination is needed to achieve the desired results. I am not yet ready to accept this idea wholly, but I believe it is very much worth thinking about as we try to improve the process of aid administration.

In recent years the concept of partnership and self-help has progressed in other ways. Both bilateral and multilateral aid donors have increasingly expressed interest in broad questions of development policy in the receiving countries—questions such as whether fiscal and monetary policies are inflationary; whether all foreign-exchange resources, received both from exports and from foreign aid, are being applied under a sensible set of priorities; whether educational, tax, land and other reforms that may be needed are in fact under way. And aid recipients have increasingly recognized the propriety of such an interest by the donor countries. We are past the stage in most countries where an interest in matters of this type by an aid donor is considered an unwarranted invasion of the recipient's independence. What is involved here are not political "strings" but elements of a partnership based on the shared objective of achieving the most rapid possible progress toward a self-sustaining and satisfactory rate of economic growth.

This partnership relationship is inherently delicate, but it is strongly founded on mutual interest and self-respect. The aid donor recognizes that the recipient, as an independent country, must and will make its own decisions on budget and fiscal policy, foreign exchange, educational priorities and other national policies affecting development. And the aid recipient recognizes that the donor, as an independent country, must and will decide whether aid requested for a given project or purpose will in fact be likely to achieve the results desired, given the policies that the receiving country proposes to follow. We in the United States consider that it is entirely up to an aid recipient what development policies it wishes to adopt. But it is equally up to us, as an aid donor, to decide whether the circumstances presented in a country will permit external assistance to yield significant results.

The meeting ground between these interests of recipients and donors obviously should be a broad measure of agreement on what policies in fact make the most sense for a particular country at a particular time, and it is in this area that there have been some very important developments in recent years. I would mention three, not in any particular order of importance.

First, the United States has increased its competence for dealing with the broad questions of development policy in aid-receiving countries. A.I.D. Mission Directors and their staffs in the field have a higher degree of understanding and sophistication. With the support they can call on from Washington, they are able to deal flexibly with the broad range of development issues which they encounter. None of us is fully satisfied with the quality of our work, but there is no doubt it has increased significantly over the last several years. And we see evidence of a parallel increase in the competence of the ministries and agencies of other donor governments, such as Britain, Germany and Japan.

Second, in Latin America an international organization, the Inter-American Committee for the Alliance for Progress (CIAP), has been established for the specific purpose of reviewing progress under the Alliance. This Committee, made up of six Latin American members and one from the United States, reviews the situation in each Latin American country at least once a year, and makes judgments and recommendations concerning the improvements that aid-receiving countries ought to make in their policies and the extent and nature of the assistance that donors should provide. The CIAP is a promising arrangement, providing sound technical judgments by an agency in which the Latin Americans themselves play the leading role. We hope that similar arrangements may be developed for other regions.

Third, the World Bank is expanding its use of consortia and consultative groups, and using them as a basis for reaching common judgments among donors and recipients as to the policies that are appropriate for particular developing nations. The Bank now has set up more or less formal groups for eight countries, and several more are likely in the future. These are promising instruments for achieving three objectives at once: to increase the quality of development policies in an aid-receiving country; to increase understanding among aid donors as to its actual situation and real requirements, and to increase the quality—and if appropriate the amount—of the aid made available to that country.

In summary, while there is much change and improvement under way, there is still far to go—both students and practitioners—before it can be said that we are soundly administering foreign aid in accordance with the concept of partnership and maximum self-help.

II

A second element of consequence in current thinking about foreign aid is the growing emphasis that is being given to pluralism in the developing countries. I believe there is now ample evidence and a growing consensus supporting the proposition that those countries will develop fastest which rely most heavily on multiple sources of private and local initiative and energy—in contrast to countries which rely most heavily on central direction and control.

Let me make perfectly clear what I mean. I am not talking about a distinction between planned and unplanned development. National planning in a developing country seems to me essential, not only to establish national policies on fiscal and monetary matters, educational priorities and so forth, but also to establish those policies and systems of incentives which will in fact bring forth maximum private and local initiative. A sensible national development plan in my opinion can and should be aimed at building a pluralistic society.

Furthermore, I am not talking about a simple distinction between public and private activities. There are many examples in developing countries of private activities which are centralized and monopolized to

an extent that greatly hampers growth. There are at least as many examples of national governments which are overcentralized, thereby stifling the enormous potential energy of local government. My point, therefore, relates to the great importance in *both* the public and the private sector of establishing arrangements and incentives which will call forth the initiative and energy of small units, groups and individuals.

There can be no doubt of the importance of this concept, but we are only beginning to examine its implications and to build them systematically into our programs and administrative processes. For example, we have not given enough weight to the goal of simplifying tariffs, rectifying exchange rates, and liberalizing import controls. These measures would permit hundreds and thousands of private businessmen and farmers to make better decisions and take more rapid actions, resulting in quicker and sounder investment and growth. Steps of this kind have in fact had such results in Greece, in Korea, in Pakistan and in other countries. It is important not only to simplify regulations and replace physical controls with those working through the market, but also to avoid frequent change in the rules, so that large numbers of decision-makers can act with reasonably firm expectations about the future.

Second, it is likely that we can and should learn more than we have from such successful cases as the Joint Commission on Rural Reconstruction on Taiwan, the locally based rural works program in East Pakistan, and the credit unions and rural cooperatives in Latin America. They can teach us how to help rural communities organize and apply their latent energy to their own problems and thus achieve high rates of growth in agricultural production and rural living standards.

Third, we can do much more to establish direct connections between private organizations and individuals in the advanced countries and the problems they can help to solve in the developing countries—as A.I.D. has done with considerable success in helping to establish savings-and-loan systems in several Latin American countries, primarily by supporting the efforts of leaders in the United States' savings-and-loan industry.

Fourth, we could do more to help establish and support private American organizations designed for specialized tasks in the developing countries: for example, the American Institute for Free Labor Development, established by the A.F.L.-C.I.O. to work with labor unions in Latin America; or the International Executive Service Corps, established by a group of private business leaders to provide American volunteers to work with individual business firms in developing countries.

These are only illustrations—of which a far longer list could easily be prepared—of ways in which it should be possible to administer assistance in more imaginative and more flexible ways so as to induce and support private and local groups in developing countries to deal with their own problems. This is extremely important because these measures can stimulate not only economic and social progress, but also the development of more democratic societies.

III

My last major point relates to research and evaluation. It is my impression that the organizations which carry out aid programs do not have a distinguished record of building into those programs strong elements of research and evaluation. Certainly this is true of A.I.D., the agency I know best.

This is unfortunate on at least two counts. First, foreign assistance is a relatively new activity and plainly we have an enormous amount to learn about how to conduct it effectively. We have lost much valuable time and have failed to learn from much valuable experience, because we have not had adequate research and evaluation programs. Second, the process of foreign assistance is inherently dependent on research. It is often described as a method of transferring know-how, but this is plainly wrong; it is instead a process of developing know-how—a process of finding out what will work in Nigeria, not of transferring what has been found to work in Nebraska. If we understood our own business better, it might well be that the whole process of foreign aid would be seen as a research process, aimed at learning how to move a particular society, with its special and unique characteristics of history and culture and physical geography, toward specified objectives.

However that may be, there can be no doubt of the importance of incorporating far stronger programs of research and evaluation into our aid administration. We in the Agency for International Development have been trying to make some headway in this direction. For example: (*a*) For the last three years, we have organized special summer research projects on the economic aspects of development, drawing together faculty members and graduate students from a number of universities for a summer of research work that benefits them and greatly benefits us; (*b*) Over the last four years, we have gradually built up a program of research grants, financing such varied activities as trying to increase production of high-protein grain legumes in Asia, and developing a new mathematics curriculum for elementary schools in Africa. In this we have had the guidance of a distinguished advisory committee of research scientists chaired by Dr. Walsh McDermott of Cornell University; (*c*) A year ago we persuaded Colonel George Lincoln, of the West Point social science faculty, to spend his sabbatical examining A.I.D.'s systems of evaluation, and recommending improvements in them. Colonel Lincoln's report, based on extensive field work in Latin America, is a valuable guide that is now being applied throughout the Agency.

In these ways and others, A.I.D. is taking steps to improve its own performance. We still have far to go, particularly in finding how we can build into every aspect of our work the spirit of research on development problems. We also have done far too little in a systematic way to help create research competence in the developing countries themselves.

Whatever part of the aid business one examines, wherever one looks in the developing countries, one sees large and challenging opportunities for improving the administration of aid so as to achieve more rapid economic, social and political progress. Our mood should be restless, inquiring, impatient—for there is much to be done.

RACIAL VIOLENCE—STATEMENT BY THE MAYOR OF MINNEAPOLIS

Mr. MONDALE. Mr. President, America's great cities are, as every Member of this body knows, plagued by many problems, not the least of which are outbreaks of racial violence. These outbreaks cause substantial disruption in human relations, and in many cases worsen the physical condition under which people in congested urban areas must live. It is clear that new lines of communication between people in our cities are as vital to their renewal as expanded freeways and modern buildings. I am pleased to be able, as a Senator from Minnesota, to bring to the attention of the U.S. Senate the statement of the Honorable Arthur Naftalin, mayor of the city of Minneapolis, in regard to the recent riots on the North Side of Minneapolis. I am proud of the manner in which this outbreak of violence was handled, and I ask unanimous consent that it be brought to the attention of the U.S. Senate.

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

STATEMENT OF MAYOR ARTHUR NAFTALIN, MAYOR'S REPORT, WWTC RADIO, AUGUST 7, 1966

I welcome this opportunity to discuss last week's disturbance on the North Side. I am eager to clarify certain points and to review the policies we have been following.

I should like to begin by noting that the events of the week have had two quite different reactions from the community.

One response has been that of concern and constructive cooperation. The police department, our settlement houses, our leading business firms, our social welfare agencies have all given truly magnificent support to programs that were quickly undertaken.

Unfortunately, there has been a second reaction that is most disturbing. Many individuals have called or written—in a few cases they have sent telegrams—to express opposition to a program aimed at providing job opportunities for young men and women and boys and girls who have been without jobs for a long period of time.

Many of these expressions have been threatening and unusually personal. It comes as a shock to discover that there are many people who do not understand the need for different programs to meet different types of situations. They represent a blind refusal to examine objectively the causes of the problems before us.

Thus, at one level our community is strong and responsive. It is prepared to face responsibly and humanely the serious questions raised by the disturbance. At another level there is a critical need to awaken the public to social conditions that desperately need attention.

When the disturbance occurred, followed by reports of possible increased violence, we had two choices before us. We could intensify police action, calling in men from other sections of the city, and, in effect, converting the area into an armed camp. Or we could recognize that underlying the disturbance are deep-seated conditions that demand prompt and effective attention.

Several days before the disturbance occurred I spent a full day on the North Side visiting with various groups. I stated at that time that I was greatly concerned about joblessness among North Side young people. Later, after the disturbance had occurred and in meeting with Governor Rolvaag and with a large number of community leaders, this fact was confirmed by group after group of responsible citizens.

We arrived at a strong consensus that what was needed was not vigorous and overwhelming action on the part of the police department but rather prompt and effective and sincere efforts to deal with the causes of the unrest, and this is what we resolved to do.

We decided to begin with the problem of unemployment. We appealed to leading business firms. We said to them, "Please look at these young men and women and let's develop immediately opportunities for them."

This program is under way and now we must turn to housing and we must look at parks and recreation and we must look at the management of police problems involving members of minority groups.

At this point I should emphasize the fact that the decisions we made—for example the decision to maintain as normal police operation as possible—were arrived at co-operatively and with the full participation of the

police department itself. I want to stress this fact, which I think is very important, that, in this process of continuous discussion, we have achieved a most unusual degree of communication—communication between the police department and the non-white community, communication between and among many lawyers of white and Negro leadership. I believe we have for the first time reached in depth many, many people in the Negro community whom we have not previously been in contact with.

I must state this point very clearly: The individuals who want trouble in the community are so few they can be counted on two hands, but these few people will exploit the despair, the restlessness, the feeling of helplessness on the part of other Negroes, seizing leadership from people within the community who sincerely want to develop decent standards of living for all of the people, black and white.

What we have been able to do, as a result of our intensive activity during this week, is to establish excellent communication and to develop the beginnings of a bulwark against irresponsible and destructive leadership. It is making it possible to take constructive steps that are long overdue in developing critically needed programs.

Thursday night I met with North Side businessmen. One of the men made a brief statement to the effect that the problem on the North Side is the product of neglect. I think this is precisely the term that explains the problem. There has been neglect on the part of the city government, neglect on the part of the North Side merchants, neglect on the part of business generally, on the part of labor, and neglect on my part, too. There has been neglect on the part of everyone.

At this critical moment we do not need any recrimination. What we do need is constructive cooperation that will provide, first, proper and adequate police protection, and I can assure the public that we will provide such protection for property and for the life of every individual citizen.

Second, we must provide an effective attack on the conditions that breed social unrest. We are on our way now but we must not let go. We must provide jobs for our young people and we must provide decent homes for everyone. We must make certain that there are decent recreational programs and meaningful opportunities not only for jobs, but also for training and for counseling.

Let me emphasize a further point. There is no intention on my part or on the part of the police department to condone or excuse or forgive any kind of crime. All violations of the law will be punished. Violators will be apprehended and prosecuted with the full force of the law. But while our police operations proceed, we are going to make certain that where there is distress, where there is unemployment, that we will identify every family and every individual in need and we will make every genuine and sincere effort to help that family or individual. This is our proper responsibility.

I say candidly and directly that there will be police protection, that we will apprehend and prosecute violators with full and due process of the law and we will make a full attack upon social conditions in our city that must be corrected.

I have great pride in Minneapolis as I have said many times. I say again tonight, we have within our power to make the City of Minneapolis the model city of America. We can develop a pattern of human relations in which every individual does have equal opportunity in our economy and in our society. We must recognize our potential and we must be prepared to realize it.

There is much that we can learn from this disturbance. It can give us a new awareness and a new alertness.

To those who have called my office complaining that our policies are rewarding vandalism, I say, truthfully, plainly and directly, that this is not the case. Our policies recognize the fact that conditions that breed social unrest demand our attention.

We cannot afford to have Negroes fighting whites and whites fighting Negroes. We are all part of one large community and there is room for all of us in our strong and productive economy. We must share in the growth and strength of our society. To do this we must have constructive and tolerant outlooks. That is what we are seeking and that is what we must achieve.

"FAMOUS LAST WORDS"

Mr. YOUNG of Ohio. Mr. President, the tragedy of Vietnam lies in our massive involvement virtually without allies. What began as a little war is now a major conflict. Our involvement in this miserable civil war has continued to grow—more men, more money, and more weapons until today we have almost 500,000 men in Vietnam, Thailand, and with our 7th Fleet off the coast of Vietnam in the Tonkin Gulf and the South China Sea.

For several years we have listened to fatuous predictions painting a rosy but false picture of our position in Vietnam from Defense Secretary McNamara, Gen. Maxwell Taylor, Ambassador Henry Cabot Lodge, and other administration officials.

In fact, Mr. President, a compilation of their predictions might well fill a small book which would be appropriately entitled "Famous Last Words." Here are just a few statements by top administration officials and military leaders. Mr. President, the American people may judge for themselves the wisdom and validity of those statements.

Here are some "Famous Last Words":

Admiral Radford, 1953—"The French are going to win."

Admiral Radford, 1954—"The French are winning the war in Vietnam. The forces of General Giap are on the run." (Dienbienphu surrendered May 1954—and France then withdrew its army of 240,000).

White House, 1963—"Secretary McNamara and General Taylor reported that the major part of the U.S. military task can be completed by the end of 1965, though there may be a continuing requirement for a limited number of U.S. training personnel. By the end of this year, the U.S. program for training Vietnamese should have progressed to the point where 1,000 U.S. military personnel assigned to South Vietnam can be withdrawn."

Assist. Defense Secretary Arthur Sylvester, 1963—"The corner definitely has been turned toward victory in South Vietnam; Defense Department officials are hopeful that the 12,000 man United States force there can be reduced in 1 to 3 years."

Defense Secretary McNamara, 1963—"We are winning the war in Vietnam."

General Westmoreland, Commanding in Vietnam, Oct. 1965—"Now I can say at last we have stopped losing the war."

President Johnson, 1964—"We are not about to send American boys nine or ten thousand miles away from home to do what Asian boys should be doing for themselves."

President Johnson, 1964—"There are those who say I ought to go north and drop bombs to wipe out the supply lines . . . But we don't want to get tied down in a land war in Asia."

Secretary of Defense McNamara, Feb. 1964—"I don't believe that we as a nation should assume the primary responsibility for the war in South Vietnam." Again May 1964—"This war must be won by the Vietnamese themselves. If they're to win it they just have to have a stable political structure within which to operate. We can provide advice; we can provide logistical support; we can provide training assistance, but we cannot fight the war itself."

Furthermore, Mr. President, the facts are I have written the parents and widows of 166 Ohio soldiers, airmen, and marines who have been killed in combat in Vietnam since last January first. Also, more than 990 Ohio GI's have been wounded in the same period.

Certainly, these statements and many other statements I could cite indicate that many administration leaders have consistently underestimated the strength and staying power of the Vietnamese who consider that they are fighting for national liberation. These leaders have time and time again been wrong regarding our involvement in the Vietnam war.

A RESOLUTION OF THANKS

Mr. HARTKE. Mr. President, we are all the frequent recipients of resolutions passed by various organizations on a wide variety of topics, usually urging us to support or to oppose proposed legislation. But it is quite rare in my experience to receive an official resolution not asking for something, but rather thanking Government officials for an action which has been accomplished.

I have recently received such a resolution, passed by the Journeymen Barbers' Local No. 247 in Indianapolis, commending the Senate, House of Representatives, Department of Labor, and the President for the beneficial results of the on-the-job training program in the barbering industry, particularly the "up-grading training" to develop hairstyling competence. Reaction to the OJT program in other fields has also been very good, but it has remained for the Indianapolis group to provide a formal resolution of thanks.

Mr. President, I ask unanimous consent that the text of this resolution may appear in the CONGRESSIONAL RECORD.

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

RESOLUTION

Whereas Local Union No. 247 of the Journeymen Barbers International Union meeting in regular meeting on July 14, 1966, at Indianapolis, Indiana,

Whereas the members of the Local have realized the need for up-grading training in order to take advantage of the job opportunities of today in the men's hairstyling field. Through the OJT Program the rate of drop-outs from the barbering industry has been discouraged, while at the same time has created many related job opportunities in the barber-Men's Hairstylist field.

Whereas the Government of the United States of America has made this training possible: Therefore be it

Resolved, That this Local Union wishes to thank the Barbers International Union, the United States Department of Labor, Members of the Senate and House of Representatives, and the President of the United States for this training program that was so badly needed. We wish to see it extended for many are yet to receive the training. We pledge ourselves to its support and to utilize every

job opportunity related to it as we know it has great future potentials.

EVERETT R. BRUMFIEL,
President.

[SEAL] C. O. HUFF,
Secretary-Treasurer.

CIVIL DISOBEDIENCE

Mr. DOMINICK. Mr. President, the riots and civic disturbances in American communities this summer have aroused much interest and comment. An understanding of these disturbances and their possible effect is certainly of great importance, and I believe therefore that a recent article by the Honorable Richard M. Nixon in the August 15, 1966, edition of U.S. News & World Report is timely and pertinent. I ask unanimous consent that the article be placed in the RECORD at this point.

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

[From the U.S. News & World Report, Aug. 15, 1966]

IF MOB RULE TAKES HOLD IN UNITED STATES—A WARNING FROM RICHARD NIXON

(NOTE.—A former Vice President declares here that law and order are breaking down in the United States, and adds this warning: "From mob rule it is but a single step to lynch law and the termination of the rights of the minority."

(Richard M. Nixon criticizes ROBERT KENNEDY, HUBERT HUMPHREY, other top Americans for statements that nurture "seeds of civil anarchy."

(This article was prepared by Mr. Nixon for "U.S. News & World Report.")

(By Richard M. Nixon)

The polls still place the war in Vietnam and the rising cost of living as the major political issues of 1966. But, from my own trips across the nation, I can affirm that private conversations and public concern are increasingly focusing upon the issues of disrespect for law and race turmoil.

The recent riots in Chicago, Cleveland, New York and Omaha have produced in the public dialogue too much heat and very little light. The extremists have held the floor for too long.

One extremist sees a simple remedy for rioting in a ruthless application of the truncheon and an earlier call to the National Guard.

The other extremists are more articulate, but their position is equally simplistic. To them, riots are to be excused upon the grounds that the participants have legitimate social grievances or seek justifiable social goals.

I believe it would be a grave mistake to charge off the recent riots to unredressed Negro grievances alone.

To do so is to ignore a prime reason and a major national problem: the deterioration of respect for the rule of law all across America.

That deterioration can be traced directly to the spread of the corrosive doctrine that every citizen possesses an inherent right to decide for himself which laws to disobey and when to disobey them.

The doctrine has become a contagious national disease, and its symptoms are manifest in more than just racial violence. We see them in the contempt among many of the young for the agents of the law—the police. We see them in the public burning of draft cards and the blocking of troop trains.

We saw those symptoms when citizens in Chicago took to the streets to block public commerce to force the firing of a city official. We saw them on a campus of the University of California, where students brought a great university to its knees in protest of the policies of its administration.

Who is responsible for the breakdown of law and order in this country? I think it both an injustice and an oversimplification to lay the blame at the feet of the sidewalk demagogues alone.

For such a deterioration of respect for law to occur in so brief a time in so great a nation, we must look for more important collaborators and auxiliaries.

It is my belief that the seeds of civil anarchy would never have taken root in this nation had they not been nurtured by scores of respected Americans: public officials, educators, clergymen and civil-rights leaders as well.

When the junior Senator from New York publicly declares that "there is no point in telling Negroes to obey the law," because to the Negro "the law is the enemy," then he has provided a rationale and justification for every Negro intent upon taking the law into his own hands.

When the Vice President of the United States publicly declares that if he lived in the conditions of the slums he would "lead a mighty good revolt," then he is giving aid and comfort to those who revolt violently in Chicago and New York.

The agonies and indignities of urban slums are hard facts of life. Their elimination is properly among our highest national priorities. But within those slums, political phrases which are inflammatory are as wrong and dangerous as political promises which are irredeemable.

In this contest, men of intellectual and moral eminence who encourage public disobedience of the law are responsible for the acts of those who inevitably follow their counsel: the poor, the ignorant and the impressionable.

Such leaders are most often men of good will who do not condone violence and, perhaps even now, see no relation between the civil disobedience which they counsel and the riots and violence which have erupted. Yet, once the decision is made that laws need not be obeyed—whatever the rationale—a contribution is made to a climate of lawlessness.

To the professor objecting to *de facto* segregation, it may be crystal clear where civil disobedience may begin and where it must end. But the boundaries have become fluid to his students. And today they are all but invisible in the urban slums.

In this nation we raise our young to respect the law and public authority. What becomes of those lessons when teachers and leaders of the young themselves deliberately and publicly violate the laws?

As Chaucer put it, "If gold rust, what shall iron do?"

There is a crucial difference between lawful demonstrations and protests on the one hand—and illegal demonstrations and "civil disobedience" on the other.

I think it is time the doctrine of civil disobedience was analyzed and rejected as not only wrong but potentially disastrous.

RULE OF MOB VERSUS RULE OF LAW

If all have a right to engage in public disobedience to protest real or imagined wrongs, then the example set by the minority today will be followed by the majority tomorrow.

Issues then will no longer be decided upon merit by an impartial judge. Victory will go to the side which can muster the greater number of demonstrators in the streets. The rule of law will be replaced by the rule of the mob. And one may be sure that the majority's mob will prevail.

From mob rule it is but a single step to lynch law and the termination of the rights of the minority. This is why it is so paradoxical today to see minority groups engaging in civil disobedience; their greatest defense is the rule of law.

Throughout history men concerned over the right of an unpopular minority have painstakingly sought to establish the rule of law.

The American Fathers who wrote the Constitution insisted that the rights designed to protect minority protest—speech, the press and assembly—be written down in a Bill of Rights.

They did not believe that the rights of a minority could be maintained for any time against a predatory majority without the sanction of law. As Jefferson stated, "In questions of power, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution."

The results of a decline in respect for the law are predictable. Prof. Sidney Hook, an eloquent advocate of human rights, has clearly foreseen one of them. He has warned that those who object to social progress and oppose equal rights for every citizen may themselves "adopt the strategies and techniques of the civil-disobedience movement."

Civil disobedience creates a climate of disrespect for law. In such a climate the first laws to be ignored will be social legislation that lacks universal public support. In short, if the rule of law goes, the civil-rights laws of recent vintage will be the first casualties.

Historic advances in civil rights have come through court decisions and federal laws in the last dozen years.

Only the acceptance of those laws and the voluntary compliance of the people can transfer those advances from the statute books into the fabric of community life.

If indifference to the rule of law permeates the community, there will be no voluntary acceptance. A law is only as good as the will of the people to obey it.

Not all the police in the nation could enforce the public-accommodations section of the 1964 Civil Rights Act if there were not a commitment on the part of the people to accept it as law. If Negroes must repeatedly haul restaurateurs into court before they can be served a meal, then the guarantee of equal accommodations is illusory.

"DISORDERS ARE BUILDING WALL OF HATE"

Across this nation today, civil disobedience and racial disorders are building up a wall of hate between the races, which, while less visible, is no less real than the wall that divides freedom and slavery in the city of Berlin.

Newton's law of action and reaction has application to the social as well as the physical world.

Continued racial violence and disorders in the cities of the nation will produce growing disenchantment with the cause of civil rights—even among its stanchest supporters.

It will encourage a disregard for civil-rights laws and resistance to the legitimate demands of the Negro people.

Does anyone think that progress will be made in the hearts of men by riots and disobedience which trample upon the rights of those same men? But then it is not enough to simply demand that all laws be obeyed.

Edmund Burke once wrote concerning loyalty to a nation that "to make us love our country, our country ought to be lovely." There is an analogy in a commitment to the rule of law. For a law to be respected, it ought to be worthy of respect. It must be fair and it must be fairly enforced.

It certainly did nothing to prevent a riot when Negroes in Chicago learned that while water hydrants in their own area were being shut down, they were running freely in white neighborhoods just blocks away

Respect for the dignity of every individual is absolutely essential if there is to be respect for law.

The most common and justifiable complaint of Negroes and members of other minority groups is not that their constitutional rights have been denied, but that their personal dignity is repeatedly insulted.

As an American citizen, the American Negro is entitled to equality of rights, under the Constitution and the law, with every other citizen in the land. But, as important as this, the Negro has the right to be treated with the basic dignity and respect that belong to him as a human being.

Advocates of civil disobedience contend that a man's conscience should determine which law is to be obeyed and when a law can be ignored. But, to many men, conscience is no more than the enshrinement of their own prejudices.

In the gray areas of social and economic legislation, there are hundreds of laws. Honest men can and do disagree on the wisdom and justice of these laws.

But if every man is to decide for himself which to obey and which to ignore, the end result is anarchy.

The way to make good laws is not to break bad laws, but to change bad laws through legitimate means of protest within the ambit of constitutional process.

In the last analysis, the nation simply can no longer tolerate men who are above the law. For, as Lincoln said, "There is no grievance that is a fit object of redress by mob law."

AN INVITATION TO VISIT ALABAMA

Mr. SPARKMAN. Mr. President, as a part of "seeing America first," I would like to renew my invitation to my colleagues of the Senate and all the people of our Nation to stop by and see us in Alabama.

Alabama's natural wonders, such as its cool lakes in the Tennessee River system, its lengthy waterways, its warm gulf coast, have always attracted much attention and many visitors.

Today, however, I would like to draw your attention to a treasure that lies beneath the surface of our State—the variety of caves and caverns that have brought spelunkers and archeologists to explore their wonders.

Perhaps best known is Russell Cave, near Bridgeport. Here in the mountains above the Tennessee River is the oldest known habitation in the southeastern United States, with a record of occupancy that goes back more than 8,000 years.

The National Park Service has developed the cave area, and there is a museum at the visitors center where the tools and other artifacts of these forerunners of Alabamians can be seen and studied.

Valuable archeological finds have been made here in the excavations of the National Geographic Society and Smithsonian Institution, which began about 10 years ago. These indicate connections with inhabitants of other parts of the continent, and tell the story of the successive generations who lived in this great cave.

Cathedral Caverns at Grant contain the "Goliath," believed to be the world's mightiest stalagmite. It is 60 feet tall and 200 feet in girth.

Of great natural beauty are other, not so widely publicized caves. Among these is Kymulga Onyx Cave, located on Alabama Highway 76, 5 miles east of Childersburg. Featured are thousands of onyx formations, stalactites and stalagmites. Also on display is a collection of Indian relics, old maps, and other historic documents.

Not far from Birmingham are the Crystal Caverns and Rickwood Caverns. An amazing feature of Crystal Caverns at Clay is a perfect formation of the Capitol dome. A petrified waterfall is another. There are also camping facilities for visitors. Rickwood Caverns at Warrior have an abundance of glittering stalagmites.

Sequoyah Cave, at Valley Head, has been called a must for spelunkers. This newly opened cave contains lacy formations with colorful shadings, a whispering waterfall and a mirror lake.

At Fort Payne is Manitou Cave and its haystack, one of those fascinating formations which reflect themselves in the glassy stream flowing through this huge, well-lighted cave.

And at the Guntersville Caverns there is an enchanting underground world of colorful formations and sea fossils. Always remembered are the "Whosa-babies," formations resembling little people.

So I would like to remind you again that there's more to see in Alabama than on the surface. Come visit us and find out.

OMBUDSMAN

Mr. LONG of Missouri. Mr. President, the Observer newspapers of Michigan have recently instituted a new feature entitled "Ombudsman." This is similar to the "Action Line" column of the Washington Evening Star. According to the Observer newspapers:

We will do our best to be a go-between, a red-tape cutter as the name indicates. When you have exhausted all other measures on a problem write to us, and we'll see if we can help. Yes, John Q, you can fight city hall—with your own Ombudsman!

Mr. President, I ask unanimous consent to have printed at this point in the RECORD, the text of this interesting column from the July 21, 1966, issue of the Plymouth, Mich., Observer.

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

[From the Plymouth (Mich.) Observer, July 21, 1966]

OMBUDSMAN

(NOTE.—A new feature in The Observer Newspapers—we will do our best to be a go-between, a red-tape cutter as the name indicates. When you have exhausted all other measures on a problem write to us (keep it short, please) and we'll see if we can help. Yes, John Q, you can fight city hall—with your own Ombudsman!)

DEAR OMBUDSMAN: Please help us! How can we get the County to post signs keeping these semis off Merriman Road?

They have Farmington and Middlebelt Roads to use—both of which are zoned commercial. We on Merriman Road are very much still a residential area, with small children to worry about.

If they won't keep these semis off, they should rezone us commercial and/or industrial, then (and only then) could we afford to move to a safer place to raise our families.

Also, now that our City Council has approved equipping two Livonia scout cars with radar to catch our speeders; how long will it be before the cars are equipped and officers trained to operate them? We are desperate. (If you don't believe how bad it is, just park near our corner, near Six Mile, and hear the noise when the semis pass, and the speed they travel. Our houses rattle and shake.) Also, the speed violaters are running rampant from Eight Mile down. It's not safe for any of us to even turn into our driveways.

Mr. and Mrs. R. A. CARPENTER.

LIVONIA.

DEAR CARPENTERS: Sorry, Merriman Road is a class A road and everything on wheels can travel the route.

Bids are in on the radar equipment for the two Livonia Scout cars. As soon as they are awarded by City Council they will be purchased and installed. Should be about one month from now. Policemen can be trained in the use of radar equipment in about an hour. Ombudsman observed three semis breaking the speed laws for the area mentioned in 45 minutes time and alerted Livonia's finest (police) to the speedtrack.

DEAR OMBUDSMAN: As one of the Livonia nonteaching staff, I would like to know how the figures of 225 for and eight against votes were arrived at in the ratification vote for the three year contract that was ratified the 15th of June.

According to the members attending the ratification meeting, the union representative who took the count only counted to 40 of the standees on the yes vote and only counted to eight on the standees for the 'no' votes.

Everyone who attended this meeting knows there was a roll call passed around and signed by everyone. Some of these members did not vote either way and some of them left before the vote was taken. We also understand there were only 233 members present at that meeting. Please, how do you arrive at these figures?

Why is there never a secret ballot at these meetings? Quite a number of us know the reasons for these actions but would like to be informed officially.

Sincerely,

AN INTERESTED PARTY.

DEAR INTERESTED PARTY: According to Al Ruckstahl, president of the non-teaching staff Local 118 in Livonia School District, no secret ballot is necessary for ratification voting, only for elections of officers. He quoted the Taft-Hartley act that says he is only required to count the 'no' votes; and there can be no such action as 'abstaining'. All such votes are automatically counted 'yea.' His source of informtaion is Council No. 23.

SCHOOL MILK EXTENSION SHOULD BE TAKEN UP ON HOUSE FLOOR THIS WEEK

Mr. PROXMIRE. Mr. President, I was gratified to note late last week that the House Rules Committee granted an open rule with 2 hours of debate on H.R. 13361, the Child Nutrition Act of 1966. A key provision of this legislation extends the special milk program for school children through fiscal 1970 and increases the program's level of funding.

This legislation had been snarled in a jurisdictional dispute between the House Education and Labor Committee and the House Agriculture Committee. I am delighted that the Rules Committee was able to resolve this dispute and get the bill to the floor of the House.

All indications are that the legislation will be taken up by the full House either this week or soon after the Labor Day weekend. However the bill language will then probably be substituted for the lan-

guage of the Senate child nutrition bill, S. 3467, and the House passed version of S. 3467 taken to a conference between the two Houses. This means that no final action will be taken on the legislation until after the Nation's schoolchildren return to their classes this fall.

Mr. President, I hope that both the House and the conferees will act with dispatch so that the local and State administrators who manage the school milk program can plan ahead for the 1967 school year. Congress, by reiterating its faith in the school milk program, will make the task of the school food service administrators much simpler. They can act with the certainty that the program will continue to advance and prosper next year as well as this year.

RAPID AMERICAN MILITARY BUILDUP IN SOUTHEAST ASIA

Mr. FULBRIGHT. Mr. President, in the last few days we have seen a rash of press reports—of almost epidemic character—describing the rapid American military buildup in Thailand. I gather from these articles that about 25,000 Americans servicemen are now in that country, more American soldiers than were in Vietnam on January 1, 1965, and according to one article, this number will increase to 32,000 by the end of the year. We are told that more than 1,500 bombing and reconnaissance missions are made each week from these bases in Thailand into North Vietnam and the Communist-controlled corridor in Laos. No precise cost figures are given in these articles, but one of these bases alone will reportedly cost $500 million alone. One reporter's judgment that "Thailand is now the site of a multibillion-dollar U.S. buildup" certainly would seem to be reasonable, although a high State Department official told the committee in open session on August 23 that he felt that this estimate was high.

The press reports which appeared earlier this week and last week noted the unclear legal situation regarding these bases. One reporter wrote that "juridically, there are no foreign bases in Thailand because no specific agreement for their establishment was ever signed with the United States." The airbases in Thailand from which American planes fly more than half the U.S. bombing attacks against North Vietnam were built and are used almost exclusively by the United States. Yet, the bases are juridically Thai Air Force bases, and the Thai Government does not admit that they are, in fact, American bases used by American planes for missions in Vietnam. Perhaps the bases rest on shaky political, as well as legal, foundations.

Other than the fact that Thailand is close to Laos and North Vietnam, another factor has affected our interest in this southeast Asian country—that is, the Communist insurgent movements in the northeast and the south. These counterinsurgent movements, according to the press reports I have read, feed partly on the fact that the Thai Government is hardly a parliamentary democracy. There have been no national elections since 1957, when Parliament was dissolved. There is a constituent assembly, whose members have been appointed, not elected. It has been drafting a Constitution, but, in the words of one reporter, the end of this task is not in sight.

The Thai Government has apparently responded to the Communist insurgents in a rather inept fashion. One article quoted an American adviser as saying:

> The Communists are trapping the Government into making mistakes that work in their favor.

The same article commented that "the people tend to fear the Government more than they do the Communists," the nature of the Thai Government "makes it more important for a Provincial Governor to please Bangkok than to satisfy his own population," and the question of "how much ground can be held against the Communists may require a change away from the conservative, paternalistic outlook of the Bangkok military oligarchy."

These are ominous remarks which inevitably raise important questions. What is the precise nature of our "commitment" to Thailand? On what legal basis are we there? Are we identifying ourselves too closely with an unpopular and unrepresentative military regime? Will a massive foreign military presence in Thailand engender hostility among a people who have never been colonized? Will Thailand's involvement in the war in Vietnam shorten the war or enlarge it?

These questions have been raised either explicitly or implicitly by American journalists. I believe we have a responsibility to raise them here and to have the administration's replies.

Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "U.S. Power Machinery Turns Thailand Into a Bristling Bastion of the East," written by Stanley Karnow, and published in the August 19 Washington Post; an article entitled "Ineptness Frustrates Thai Efforts To Counter Red Drive in Province," written by Stanley Karnow and published in the August 22 Washington Post; an article entitled "Inscrutable Thailand Appears Stable," published in the August 23 Washington Post; an article entitled "A Silent Partner for the United States in Asia," published in the New York Times of August 21; an article entitled "Thai Hinterland Worried by Reds," written by Peter Braestrup, published in the New York Times of August 22; an article entitled "Apathy on Coming Vote Found in South Vietnam," written by R. W. Apple, Jr., and publishd in the New York Times of August 15, 1966; and an article entitled "Saigon Hears Constitution Will Be Delayed," written by Ward Just, and published in the Washington Post of August 20, 1966.

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

[From the Washington Post, Aug. 19, 1966]

U.S. POWER MACHINERY TURNS THAILAND INTO A BRISTLING BASTION OF THE EAST

(By Stanley Karnow, Washington Post foreign service)

BANGKOK.—The burly American engineer squinted in the tropical sunlight as he scanned the construction site at Nam Phong on the plains of central Thailand nearly 400 miles northeast of here.

Like huge mechanical insects, bulldozers, graders, tractors and trucks were moving earth for a new United States airbase whose first runway, more than 11,000 feet long, will be in operation next February.

"That runway is only the beginning of this job," the engineer explained. "There'll be other runways, roads, fuel depots, hangars and the lot. We're expanding so fast that we don't know today what new project they'll throw at us tomorrow."

Indeed, except for secretive contingency planners in the Pentagon, nobody quite knows where the current U.S. military expansion in Thailand is headed.

How far it goes, some American officials here suggest, will depend on the course of events in Vietnam and elsewhere in Asia. Others submit that this multi-billion-dollar U.S. base-building scheme could significantly shape those events, perhaps into a wider conflict.

Whatever the future holds, the United States with crash-program rapidity and a minimum of fanfare, has already turned this Southeast Asian kingdom into a bristling bastion, altering the dimensions of military power in the Far East.

From the Thai bases of Takhli, Udorn, Ubon, and Korat, U.S. Air Force RF-101s, F-105s and F-4Cs fly more than 1,500 bombing and reconnaissance missions each week against North Vietnam and the Communist-controlled Laos corridor.

At present, there are more than 200 of these aircraft in Thailand, grouped into 12 squadrons. Four other squadrons are expected to arrive before the end of the year. Accordingly, the number of U.S. servicemen in the country, 65 percent of them Air Force personnel, will increase to more than 32,000—almost three times as many as were stationed here last January.

In addition, the United States is accelerating a variety of other operations inside Thailand, or using the country for covert activities nearby.

From an airstrip at Nakorn Phanom, on the Mekong River bordering Laos, U.S. helicopters swing out on risky flights to rescue American pilots shot down over North Vietnam. In Lopburi Province, 100 miles north of Bangkok, and near the Mekong River town of Mukdahan, green-bereted U.S. Special Forces instructors are setting up camps to train Thai guerrillas, possibly for harassment of the Ho Chi Minh Trail in Laos.

At the same time, U.S. military men are increasingly becoming involved in civic action efforts to counter a smoldering Communist insurgency in northeastern Thailand. Teams of American Army medics have been roaming rural regions, treating peasants for everything from pregnancy to dysentery. Equipped with 15 helicopters, U.S. "Air Commandos" based at Nakorn Phanom are launching a program to distribute medicine to remote areas.

Against the possibility that American ground troops might be needed in Thailand, the U.S. Army's Ninth Logistical Command has stockpiled its warehouses at Korat with enough vehicles, weapons and ammunition to equip a 17,000-man infantry division.

Meanwhile U.S. military engineers and civilian technicians of the Philco Corp. are stringing Thailand together in a network of radio communications and radar screens. Academic experts on U.S. Government contracts are covering the country assessing social conditions, and Central Intelligence Agency operatives are training hill tribesmen long neglected by the Bangkok authorities.

But the biggest and most dramatic part of the U.S. military buildup in Thailand are two giant bases yet to go into full operations. They are Nam Phong, scheduled for final completion in three years, and the enormous

air-sea complex at Sattahip on the Gulf of Siam, whose first runaway was inaugurated last week.

BASES TO BE LINKED

About 500 miles apart, these bases will be linked to each other and to other U.S. airfields by highways and pipelines now under construction. Both will have KC-135 tanker aircraft, which refuel the jets that strike at North Vietnam and Laos. Both will be capable of handling B-52 bombers, which now fly 5,000-mile round trips from Guam to fulfill their missions over South Vietnam.

With its 11,500 foot runway already open, the Sattahip base—whose airfield is officially called U-Tapao—will soon receive 30 KC-135 tankers as well as units of troop carrier and cargo aircraft.

When its second, 10,500-foot runway is finished, U-Tapao will also have the capacity for three squadrons of fighter-bombers.

Being built by the American firms of Dillingham, Zachry and Kaiser at a cost of more than $500 million, the whole U-Tapao setup will be the largest complex of its kind in Southeast Asia. It may well become, after Bangkok, the second largest city in Thailand. According to current estimates, its maintenance should require at least 15,000 Americans.

When completed, the Sattahip naval station, six miles from the airfield, will have rock breakwaters, deep-water piers and 70 bunkers for storing ammunition. It will also be connected to a neighboring oil refiners.

Inaugurating the runway last week, U.S. Ambassador Graham Martin said that "this field could be made fully operational within a matter of weeks, or even within a matter of days, depending upon the urgency of need."

At the same ceremony, Thai Premier Thahom Kittikaehorn stated that the Thais had cooperated with the United States in constructing the base "because we realize that our intentions are the same."

In a curious way, however, the sensitive Thai, the only Southeast Asians to avoid colonial domination, are extremely reluctant to give public recognition to the enlarging U.S. presence in their country.

Though built by Americans to U.S. specifications—and with American funds—the airbases are technically Thai. They fly Thai flags and are guarded by Thai soldiers. The U.S. Air Force must advise the Thai government of each mission flown from the fields.

Nor is formal mention ever made of the fact that more than half the U.S. bombing attacks against North Vietnam originate at Thai bases. As one Thai official put it: "Hanoi doesn't admit to sending troops into South Vietnam, so why should we concede to the role we play in the Vietnam war?"

NO SPECIFIC AGREEMENT

Foreign Minister Thanat Khoman likes to point out that, juridically, there are no foreign bases in Thailand because no specific agreement for their establishment was ever signed with the United States. "We are partners in collective defense," he has explained.

The basis of this collective defense is the Southeast Asia treaty of 1954, signed by eight nations, including the United States and Thailand. The treaty was reinforced in May, 1962, by a U.S. pledge to defend Thailand against Communism.

Despite these documents it was no easy matter for the United States to persuade the Thai to agree to the bases. Ambassador Martin's success in winning accord for the fields, in the words of one American official here, was "nothing short of a diplomatic miracle."

Even so, the Thai like to display their independence from time to time. Early this year, for example, they stalled on a U.S. request for permission to put more aircraft into the country.

Pointing to the Thais' refusal to publicize the bases, some Americans familiar with the country stress that Thailand has retained its sovereignty through history because of its ability to accommodate itself to shifting power balances. During World War II, for example, the Thais sided with Japan, then leaned to the West when an Allied victory approached.

SOME DOUBTS CAST

Past performances of that sort, therefore, have cast doubts on Thailand's reliability as the keystone of an American defense system in Southeast Asia.

But it has been argued, in contrast, that the Thais have even more reason to question the reliability of the United States. In particular, the Thais are chronically concerned that a negotiated settlement of the Vietnam war would give the Communists an edge.

For that reason, perhaps, they are anxious to keep their options by maintaining the legal fiction that they are not harboring American bases. Understanding this outlook, a local editor here said: "The Americans can always go home, but we have to live very close to Communist China."

At the moment, however, there is no sign that the Americans are going home. On the contrary, the bases are building up, and the bars and night clubs are proliferating. Bangkok already has nearly 130 brothels disguised as "massage parlors," and Udorn features such spots as the "Friendship Club," where the girls do a topless twist.

In areas near the bases, old traditions are crumbling and business is booming—or as a Korat hotel owner put it: "The Americans are good for our economy but bad for our culture."

[From the Washington Post, Aug. 22, 1966]

INEPTNESS FRUSTRATED THAI EFFORTS TO COUNTER RED DRIVE IN PROVINCE

(By Stanley Karnow, Washington Post foreign service)

NAKORAN PHANOM, THAILAND.—Seated at a makeshift bamboo table in his jungle headquarters near this Northeast province town, the Thai Army major admitted his bewilderment.

He commands an array of troops and police deployed to uproot the bands of Communist insurgents and their sympathizers scattered through this hinterland of rice fields, teak forest and remote villages.

"But our trouble," the major said, "is that we don't know who is Communist and who is not."

That complaint is familiar to any Vietnam veteran. And in several ways, this smoldering Communist insurrection seems a repetition of the Vietnam war at its outset six or seven years ago. As they did in Vietnam at that time, the Communists here are currently killing officials, organizing cadres and promising prosperity to peasants.

Yet the most significant similarity between the two situations may lie less in the Communist challenge than in the Thai government's often awkward response.

BANGKOK ENTRAPPED

Indeed, there are seasoned American advisors here who submit that present Communist tactics are mainly a snare. As one of them put it, "The Communists are trapping the government into making mistakes that work in their favor."

Some of the government errors are so blatant as to be incredible in this era of counter-insurgency publicity. Like the Thai Army major who cannot identify a real Communist, military and police officers throughout this region regularly round up villagers, considering them suspect unless their innocence can be proved.

Near Nakae, a critical sector about 25 miles from here, peasants may not leave their villages without a special permit that frequently takes hours, bribes or both to obtain. In the area of Mukdahan, on the Mekong River south of here, they are prohibited from carrying food to their fields lest they nourish the Communists. As a result, many must trudge home long distances for lunch.

From all accounts, the most egregious blunders are committed by the provincial police. Operating on low wages and no expense money, they range through villages squeezing the local populace for food, lodging and girls. Uncooperative peasants may have a bone broken—or worse, find themselves detained as Communists.

PLANTING DISRUPTED

A few months ago, during the tricky rice transplating period, a police unit barged into a village near here, ordered the peasants in from the fields and forced them to build a stockade. The peasants had no choice but to abandon their paddies.

"With this kind of nonsense," explains an American who has spent years here," people tend to fear the government more than they do the Communists. Of course, the Communists kill officials and informers, but they are selective. The cops are indiscriminate, and so they scare everybody."

More widespread, though subtle, are government short-comings that seem to arise from the inability of officials to understand and sympathize with ordinary citizens.

Ironically, the gap between the Establishment and the people has persisted despite well intentioned government efforts at economic and social development in this region. Under rural programs being accelerated to meet the growing insurgency, the U.S. and Thai governments have currently committed some $20 million to an assortment of projects for this Northeast area.

RURAL TEAMS HELP

Engineering teams are constructing irrigation networks, wells, roads and schoolhouses. Medical teams composed of Thai doctors and American Army corpsmen roam the countryside, dispensing medicines and treating the sick. There are Peace Corps volunteers breeding chickens and nurturing silkworms, and instructors holding seminars for villagers on such elementary subjects as how to erect fences and collect garbage.

But the key to all this activity, experts point out, is less what is being done than how it is done. The development schemes, they argue, can be politically fruitless if they fail to bring citizens closer to their government. In this region at least there is still a good deal of distance between officials and the people.

Part of the problem stems from the highly-centralized nature of the Thai government, which makes it more important for a provincial governor to please Bangkok than to satisfy his own population. Also, Thailand is a military dictatorship in which officials need not worry about constitutents' votes.

At the same time, this society rests on the ancient tradition, prevalent elsewhere in Asia as well, that the authorities command and the people obey. The despotism may be benign, as it largely is here. Even so, it is still a despotism in which decisions are imposed from the top.

PEASANTS IGNORED

Consequently, specialists here say, the projects being built in this region are based more often on official fiat than on villagers needs, agreement or comprehension. In several villages near here, for example, peasants have had their meager parcels of land confiscated without due compensation. In some cases, community development workers have seen their recommendations blocked by superiors unreceptive to ideas from underlings.

But for many Thais and their American advisers, the focus on the Northeast is in itself a remarkable bit of progress. It is a sector, neglected for years, that was surely headed into dissidence.

Far from the capital, the Northeast served as a Siberia for unwanted officials. Moreover, it is principally populated by an in-between people who are ethically Laotian and politically Thai, and are not fully accepted by either nationality. As a Buddhist monk here explained it: "In Laos we're considered Thai, and in Bangkok we're considered Laotian".

The region's biggest handicap, however, has been economic. Lacking adequate water and fertile soil, its rice yields are about 40 per cent below the national average. Its per capita income, only $45 per year, is less than half that of the rest of the country, and it is inequitably distributed. According to recent study, the upper 2 per cent of the Northeast peasants receive ten times more cash income than the lowest 78 per cent.

Perhaps nothing dramatizes the area's poverty so much as its roads. On a map, the highway from Udorn through Sakorn Nakorn here to Nakorn Phanom is a bright red ribbon. In fact it is a potholed, corrugated dirt strip that, these rainy afternoons, turns to mire.

RADICALS FROM HERE

Thai political figures from here were mostly of a radical bent. Many of them supported Pridi Phanomyong the liberal former Premier who now lives in Communist China. The Northeast was also the center of resistance against the Japanese, with whom the Bangkok government allied during World War II.

When military dictators assumed power in Bangkok after the war, they systematically cracked down on Northeast politicians, charging them with advocating separatism, communism or both.

The massive military sweeps through here in the early 1960s instilled in the local population a fear of the Bangkok regime that still remains. The arrests and summary execution of several local leaders, many of them popular in the region, may have given the present insurgents a measure of backing in their opposition to the government.

The more generous attention now being accorded the Northeast by the government has prompted some commentators to remark that the insurrection has been a "blessing in disguise."

But how much ground here can be held against the Communists could depend on more than money and materiel. It may require a change away from the conservative, paternalistic outlook of the Bangkok military oligarchy.

[From the Washington Post, Aug. 23, 1966]

INSCRUTABLE THAILAND APPEARS STABLE

BANGKOK.—"I wish they would stop their damn smiling," snapped an American lady who has lived here for several years. And her impetuous remark reflects an attitude toward the Thais shared by many foreigners familiar with this country.

For this land of the Siamese cat, these foreigners contend, is peopled by a nation of Cheshire cats whose perennial grins conceal an elusive, almost evanescent character. Indeed, it is argued, the Thais owe their centuries of independence to their charming, good-humored ambiguity.

A center of American defenses in the Far East since the Eisenhower Administration, Thailand is now the site of a multi-billion-dollar U.S. military buildup focused on giant air and naval bases. But if there is little substance behind the Thai smile, as some critics submit, the United States could be constructing a major anti-Communist bastion on shaky pillars.

Yet in contrast to other states in balkanized Southeast Asia, Thailand has a surface appearance of remarkable stability.

NATIONAL IDENTITY

Except for a Moslem minority in their southernmost provinces and Northeasterners of Laotian leanings, the Thais feel a relatively high degree of national identity.

Moreover, King Bhumipol Adulyadej, 38, and his beautiful queen, Sirkit, the country's leading pin-up, are authentic symbols of unity, even in areas that feel remote and forgotten by the Bangkok government.

That unity is reinforced, too, by a widespread, active devotion to Theravadic Buddhim. Just as youths in other countries do military service, nearly all young Thais, royalty included, shave their heads, don saffron robes, and spend periods of contemplation in Buddhist temples.

As a further indication of attachment to their native land, almost every Thai who studies abroad returns home. And with no "brain drain," the administration is staffed with dozens of Harvard, Columbia and Oxford graduates.

ECONOMY GROWING

At the same time, Thailand's economy is growing by a healthy 6 per cent a year. Bulwarked by $640 million in foreign reserves, its currency is firm. Its rice production, mines and timber industries are thriving, and the number of its factories has increased ten-fold within recent years.

Once a pleasantly lazy town of canals and shaded lanes, Bangkok has boomed into a city of skyscrapers, broad avenues and traffic jams. Even in rural regions there are hints of prosperity in the Buffalo Boys carrying transistor radios, and bare-breasted peasant girls wearing hair-curlers.

But in several respects, this picture of a steady, progressive Thailand is deceptive. While performing well at present, the country's economy faces future problems. These could undermine a political regime that is scarcely as solid as it seems.

As Thai economists point out there is virtually no cohesion between industrial and agricultural development. Most Thai factories are assembly or packing plants that rely on imported components and raw materials. Agricultural output, mainly rice, is exported in order to pay for the industrial imports.

A peculiar feature of the Thai rice trade is a government premium imposed on the export to raise revenue consequently, peasants receive only about 45 per cent of the world market price for their rice. As a Bangkok economist explained recently, "This amounts to a very high rate of taxation on the poorest sector of the country."

UNEVEN INCOME PATTERN

As in other underdeveloped countries peasants are inching along while city bankers, merchants and contractors are reaping fortunes, and this uneven income pattern is bound to be compounded by population growth.

Increasing at 3 per cent or more a year, Thailand's population is expanding faster than its national per capita income. A generation from now, moreover, about half of the total population will be under the age of 15, meaning that the burden of supporting the country will rest on a small labor force. Coupled with the uncertainties of the Thai economy is the questionable equilibrium of the country's political structure in the years ahead. It is top-heavy and may prove to be balanced on too narrow a base.

King Bhumipol, one of the few solemn Thais, works hard as a national emblem, and shares the hawkish views of Thailand's real rulers, the military oligarchy that calls itself the "revolutionary government."

Actually, the "revolutionary government" is dedicated to the preservation of the status quo. Its key figures are Marshal Thanom Kittikachorn, the Premier, and Gen. Praphas Charusathien, Deputy Premier, army commander in chief and minister of Interior. The two men, whose children are married to each other, make a singular pair.

WILL DO GOOD

Thanom is handsome, amiable, honest, magnanimous and determined, he has said, to "do good." Praphas is porcine, authoritarian and allegedly immersed in a vast variety of money-making ventures. His unsavory reputation probably prevents Praphas from making an open bid for power. But he exerts a significant amount of weight in the regime.

Corruption is a built-in feature of Thai governments. When he died in late 1963, Premier Sarit Thanarat was found to have amassed an estimated $140 million through devious means. Though Thanom is considered clean, his associates are reportedly making fortunes from assorted business deals. Much of this money is used to purchase the loyalty of subordinates.

Graft at the top may not visibly irritate the public. But it sets an example for lesser officials, with the result that virtually no government service here, from getting a telephone to a driver's license, is possible without a payoff.

Supporters of the regime insist that the Thais tolerate corruption as part of the system. But when the local press, closely supervised by the government, was free to comment on Sarit's peculations, the tone of indignation ran high.

For over seven years, a constituent assembly has been drafting a constitution without the end in sight. After seeing parts of the draft recently, Praphas called it "too glaringly democratic," adding that elections would make Thailand "a colony of Communist China."

The likelihood of representative government evolving here seems remote at the moment. In the view of some observers, continued dictatorship in Thailand suits the United States, since it assures a continuation of American bases in the country and that, as a U.S. official put it bluntly, "is our real interest in this place."

How much pressure exists in Thailand for more liberal government is hard to measure, since the vehicles for free expression are limited. But people can talk as they please, and among Westernized students, editors and officials there seems to be rather haphazard longing for something other than this regime.

As it has elsewhere, this kind of talk may gradually proliferate. And it could reveal substance beneath the inscrutable Thai smile—unless it becomes a frown.

[From the New York Times, Aug. 21, 1966]

A SILENT PARTNER FOR UNITED STATES IN ASIA

(By Peter Braestrup)

BANGKOK, THAILAND, August 20.—Thailand's role as a partner of the United States, Ambassador Graham A. Martin suggested recently, "is not sufficiently understood back in America."

Thus, as Prime Minister Thanom Kittakachorn listened, came a rare public hint at Thailand's silent but vital role as host to 25,000 American servicemen, most of them supporting the unsung "aerial second front" against North Vietnam and the Ho Chi Minh trail, Hanoi's main infiltration route to South Vietnam.

Thailand cooperated with the Americans, Field Marshall Thanom declared, "because our intentions are the same." The smiling 55-year-old leader of Thailand's military-civilian regime and the American envoy spoke at the opening last week of the biggest air base constructed by the United States here to date—at Satthip, on the Gulf of Siam.

Official statements on the future use of the new 11,500-foot runway were vague, but informants said privately that it could handle any U.S. military aircraft now flying—including the big B-52 bombers based at far-away Guam and used to hit targets in South

Vietnam. But KC-135 jet tankers likely will be the base's first major tenants. They will refuel in flight the U.S. fighter-bombers bound for targets across the Mekong River from five bases already built in Thailand's upcountry.

OLD SUSPICIONS

"We've brought in a lot of gear," observed a high-ranking American officer, "and we want to bring in more."

A sixth combat airfield is being built; others are being expanded to accommodate new squadrons of F-105 and F-4-C jets. In short, the U. S. Air Force's hammering at North Vietnam from Thailand has yet to reach its peak.

Despite traditional Thai suspicion of "fareng" (foreigners), the Kittakachorn regime has bet on Washington's continued willingness to help meet the human and political costs of containing Communism in Southeast Asia. But never colonized, enjoying the blessings of a rice-rich kingdom the size of France, neither the 30-million Thais nor their self-appointed political leaders rejoice over being militarily dependent on distant America.

"So far," Thai Foreign Minister Thanat Khoman said with regret in his voice recently, "we have relied on outside power to save us from being submerged."

No intimate of Lyndon Johnson's gets more irritated by the U.S. Senate's "doves" than do Mr. Thanat's associates who scorn what they term "liberal naivete" about Asians and Asian Communists. Yet, even as they publicly condemn Hanoi and Peking, the Thai Cabinet officials, in an Oriental fashion that baffles many Westerners here, ignore or deny the fact that American aircraft attack North Vietnam from what are juridically Royal Thai Air Force bases. Why?

GOVERNMENT MOVES IN

"Hanoi has never admitted violating the Geneva accords by sending thousands of troops into Laos and South Vietnam since 1962," suggested a European diplomat. "Perhaps the Thais see no gain and some loss of diplomatic maneuverability if they publicly admit their own role in the Vietnam war."

Already assailed by Peking Radio as an "imperialist lackey," the Kittakachorn regime may also find its role and the bombing difficult to explain to remote Thai villagers whose contact with the Government, let alone foreign policy, is limited. "They would not understand," said Interior Minister Prapath Charusathian.

While it counts on American help in warding off any overt aggression from the north, the Bangkok Government is slowly coming to grips with the spreading but still low-level Communist subversion in parts of six provinces of the long-neglected northeast. To American aid advisers, it is the Vietnam of 1958-59 all over again. They note the lack of Government "presence" at village level, the northeasterners' resentment of petty extortion and high-handedness by local police, and the "don't bother me" attitude of distant Bangkok bureaucrats.

But, to their credit, both the Bangkok officials and American aid planners have begun to focus on the grass roots, even if Thai spokesmen tend to emphasize the sporadic Communist terrorism.

In the Government's favor, as Americans see it, are certain economic and social factors. Unlike Vietnam, there is no pressing need for land reform since most villagers already till their own rice paddies. The weak oft-suppressed Thai Communist party, unlike the Vietcong, has never been popularly identified with a nationalist struggle against foreign rule.

If Prime Minister Thanon is nominally head of a standard military "junta," he in fact heads a conservative, Army-backed coalition of generals and civilian technicians, ruling a bureaucracy that may be corrupt and self-serving, but is less than intolerable.

How quickly this regime's able, more dedicated men can shake-off bad old Thai political habits and provide a response to the Communists, may well decide Thailand's long-run future. There is new talk of the long-promised constitution and of elections. But as the young American pilots head north daily in their camouflaged jets, it is down in the rice paddies, the teak forests and the peasant shacks on stilts that the United States' silent ally faces its most immediate struggle with the Communists.

[From the New York Times, Aug. 22, 1966]

THAI HINTERLAND WORRIED BY REDS—OFFICIALS IN SOUTH WANT HELP TO THWART ANY DRIVE

(By Peter Braestrup)

SONGKHLA, THAILAND, August 17.—A high Thai official complained here today that the Government needs "to pay more attention to the provinces."

The complaint, heard often in the Thai hinterland, has become more pronounced here in the rubber-growing, tin-mining south. Budding Communist agitation and economic stagnation have begun to worry Thai officials and American advisers.

Although Premier Thanom Kittikachorn's military-civilian regime has begun a modest, American-aided build-up in the long neglected Northeast, where pro-Peking Thai Communists have begun to ambush the police and assassinate minor officials, no such build-up has come in the 14 provinces of the south.

"The Communists down here are still organizing and recruiting," said an American specialist. "But the potential for trouble exists."

Relatively little is known about the Thai Communists in this region. Their activity—recruiting, food gathering, propaganda and jungle training—appears to be centered in the traditional bandit refuges along southern Thailand's jungle-covered mountains below the Kra Isthmus.

Parts of five provinces most affected—Songkhla, Suratthant, Trang, Phatthalung and Nakhon Sithammarat.

The five cover a ridge-studded area, roughly the size of New Hampshire, of small rubber plantations, occasional lowland rice paddies, livestock farms and coconut groves.

More prosperous than Thais in the dry northeast, most of this area's 2 million inhabitants, including sizable Malay and Chinese minorities, live in about 3,200 villages, many of which are unreachable by automobile.

According to one estimate, there are no more than 200 armed Communist-led guerrillas, as distinct from the region's active bandit population, in the five-province area. Perhaps a thousand active sympathizers, including some middle-class Thais and North Vietnamese expatriates, are believed to be helping with propaganda, recruiting, supplies and cell organizing.

Early last month, led by Special Col. Pin Thamasri, commander of the Fifth Regimental Combat Team, the first major operation against southern Thai Communists swept through the area along Route 5 between the towns of Trang and Phattalung. The Government reported 18 guerrillas killed and 140 suspects arrested. The security forces lost 3 wounded and 1 missing.

"We have doused the flames of terrorism in that part of the country," Pote Bekkanan, commander of the Thai Criminal Investigation Bureau, announced July 5.

SOME ARE LESS SATISFIED

But in eyes of regional Thai officials, the success was limited. News of the impending operation appeared four days beforehand in the Bangkok press. The massing of policemen and troops in Trang scared off the Communist jungle-dwellers and little serious contact occurred.

As elsewhere in Thailand outside Bangkok, the Government presence is thin. In the five-province area troubled by Communist Thais, the only army troops are two battalions of the Fifth Regimental Combat Team stationed at Hat Yai, 15 miles southwest of here, and at Nakhon Sithnammarat. For the whole 14-province Thai south, embracing 3.2 million people, there are fewer than 5,000 poorly paid provincial policemen. The villages have no police of their own.

Last June, after a tour of the south, Saard Tansubhapol, director of the Public Welfare College in Bangkok, caused a minor scandal on his return by reporting that the situation was "chaotic" in many districts. He said "neglect of villagers and their harassment by terrorist-suppression officers is turning the people of the south to banditry, which is one step from conversion to Communism."

[From the New York Times, Aug. 15, 1966]

APATHY ON COMING VOTE FOUND IN SOUTH VIETNAM

(By R. W. Apple, Jr.)

SAIGON, SOUTH VIETNAM, August 14.—"This election," a Western diplomat said the other day, "is more a diplomatic exercise than a political event."

The comment seemed just. With election day, Sept. 11, only four weeks away, and with the campaign to open officially Aug. 26, less than two weeks hence, the election of a constituent assembly for South Vietnam is clearly arousing far greater interest in Washington than in Saigon.

In fact, the South Vietnamese appear to be bored by the whole thing.

People in such places as Saigon, Nhatrang, Danang, and Mytho are preoccupied with the cost of pork and rice and charcoal. Despite the devaluation of the Vietnamese piaster, members of the middle class are still pinched by inflation, and the election offers them no remedy.

AMMUNITION FOR WASHINGTON

The greatest significance of the voting, most observers here believe, is that it will afford the Johnson Administration a rejoinder to critics who frown on its support of an "illegitimate" military Government.

Domestically, the election is meaningful chiefly as a first tentative step toward representative government.

It is important to realize what the election is not.

It is not a test between the Vietcong and the non-Communist nationalists for the Vietcong have been excluded, as far as possible, from the candidate and voter lists. It is not a referendum on the American presence here, even by implication. It is not an election for a national legislature.

The sole purpose of the voting, under the electoral law promulgated by the junta, is to choose a 117-member constituent assembly charged with writing a new national constitution. Once that is done, a legislature is to be elected sometime next year.

Although many cynical South Vietnamese civilian politicians have searched diligently, they have uncovered no evidence of fraud on the part of the regime of Premier Nguyen Cao Ky. Neither have foreign correspondents or the political specialists of Western embassies in Saigon.

LARGE TURNOUT SOUGHT

The Government's interest appears to lie elsewhere. Premier Ky has made it clear to his confidants that he understands the symbolic nature of the voting, and has told them he is eager to have a large voter turnout.

Under one plan that has powerful support within the junta, a large turnout would not be left to chance. Citizens whose voting cards had not been punched at the polls

would be denied certain privileges, possibly including the right to government rice doles. Few Vietnamese would fail to cast their ballots under that threat.

Of the total population of 15.5 million in South Vietnam, the potential electorate is slightly more than 5 million. Most Government officials, as well as the United States Embassy, would be pleased with a turnout between 3.5 and 4 million.

The civilian politicians do not expect the figure to be that high, if there is no tinkering. One prominent nationalist has been quoted as having predicted that as much as a third of the Saigon electorate would stay away because of suspicions of possible government manipulation and from sheer indifference.

Such attitudes have become typical over the years. The French made little effort to instill in the Vietnamese an understanding of the processes of self-government, and their successors have habitually resorted to fraud.

The politicians have done little to breathe life into the election. They have formed no meaningful coalitions, and many have denounced the electoral law at every turn.

The Vietnamese Nationalist party has refused to align itself with any other party. Many of its leading figures, including Dr. Phan Huy Quat, a former Premier, have chosen not to run.

"We don't think it is necessary to waste money," a spokesman for the party said recently.

BODY HELD POWERLESS

Much of the bitterness of the professionals centers on Article 20 of the electoral law, which was added by the junta to the draft prepared by a special commission. It gives the generals the right to change any part of the new constitution unless two-thirds of the constituent assembly objects.

That would mean that the junta could control the assembly with a third of the votes plus one, or 40 votes.

"Under this system the assembly has no power," a prominent anti-Government lawyer said. "It is an antidemocratic system, and it robs the whole process of meaning."

Although Premier Ky has been behaving like a politician in recent weeks—defense of the idea of invading North Vietnam was widely interpreted as an effort to prove that he could be independent of the United States—there is no clear evidence that he has succeeded in forming a large bloc of candidates loyal to him and the other generals.

Of 554 candidates certified, fewer than 50 are soldiers. That would not appear to provide a sufficiently broad base for the "khaki party" that some of the members of the junta have discussed.

Most Communist candidates apparently decided not to run or were weeded out by screening boards at lower levels. Only about 10 were excluded by the national review committee under the stringent anti-Communist, antineutralist provisions of the law.

Among other groups, one of the strongest is likely to be composed of members of the provincial councils, who have already begun to coalesce into a working unit.

The militant Buddhists, whose anti-Government agitation prompted the junta to schedule the election, do not appear to be making a major effort to elect representatives to the assembly. The faction's leading monks are still talking of a boycott as proposed in May by their leader, Thich Tri Quang.

Even before the campaign begins, two things seem certain: that the constitution drafters will decide upon a presidential rather than a parliamentary form of government, a preference shared by the junta and its harshest critics, and that no single political group will be able to dominate the assembly.

[From the Washington Post, Aug. 20, 1966]

SAIGON HEARS CONSTITUTION WILL BE DELAYED

(By Ward Just, Washington Post foreign service)

SAIGON, August 19.—Vietnamese officials here now are talking of a hiatus of one year between the Sept. 11 election of a constituent assembly and the drafting of a constitution.

It is expected that it will take another six months to put the national election machinery in motion, which would mean Prime Minister Nguyen Cao Ky and his military Directory, or Junta would remain in office until early in 1968.

Observers here had expected that the constituent assembly would finish its work by January or February next year and Prime Minister Ky himself has talked of a presidential election by next summer.

But today an informed Vietnamese official said that the assembly was bound to be "slow" and unlikely to finish its work before next summer. The official said there were bound to be several "readings" of the constitution and time-consuming public discussion.

It all added up, he said, to a possible 18 months before the Vietnamese have an elected government.

In the interim, the official said, the Ky regime would soldier on.

The latest estimate is that 5 million Vietnamese are eligible to go to 5,283 polling places Sept. 11. There are 104 Vietnamese seats, four seats allotted to areas largely inhabited by Cambodians, and nine seats to be elected by what are called "customary tribal processes" of the Montagnards, who live in the Vietnamese central highlands.

There are 55 members of the Vietnamese armed forces running for seats, but authoritative sources here believe they will win fewer than 10 per cent of the seats. There are 572 candidates in all.

Attention here has centered on the so-called military candidates, since there has been suspicion that the 10-general junta would attempt to steamroller the election. Speculation has been further heightened by the presence of the 600,000 Vietnamese under arms. The presumption has been that the military men as voters would follow the lead of their superiors.

Interest grew with the promulgation of the decree determining the frame of reference of the constituent assembly. It appeared that the junta could overturn any decision of the assembly by affirmation of one-third plus one of the 117 delegates. Put another way, it would take a two-thirds majority to override any suggestions of the junta.

But authoritative sources said that there was every expectation that the assembly would be a fragmented body. The sources said it was not in any degree plausible that military candidates could win one-third of the seats: They doubted, even, that all the military candidates agreed with one another.

The seats are allotted according to the vote in the provincial elections of May, 1965. In that election, there were 4.7 million eligibles and 3.4 million voters. There are approximately 14.5 million people in South Vietnam, of whom an estimated 10 million are under government control.

The Prime Minister is said to view the size of the vote as an expression of confidence in his regime. This has led to lively speculation as to what is a satisfactory turnout, with cautious United States officials suggesting 50 per cent of the eligibles. Bolder and presumably more realistic Vietnamese suggest anything less than 70 per cent must be considered unsatisfactory.

In this connection, there were warnings of Vietcong attempts to disrupt polling. The Vietcong, diplomatic sources here said, view the election "with considerable seriousness as a dangerous enterprise." Officials cited threats to candidates, and intelligence reports which indicated the Communists might try to march off "whole village populations" into the jungle before the vote.

Considerable suspicion among Vietnamese, has surrounded the campaign, which will formally begin Aug. 26. There have been dark hints and innumerable rumors that the regime has sought to rig the vote, but independent observers have yet to surface any firm evidence of chicanery, fraud or intimidation.

There has been lively controversy here on precisely what the government would like to see emerge. The Prime Minister is on record as supporting a strong presidential type constitution, a view which is supported by many of the "heavyweight" candidates, ("There aren't many George Washingtons in this crowd," said one experienced observer of Vietnamese politics, referring to the bulk of the candidates).

What the government would surely not want to see is an assembly which would vote no-confidence resolution in the junta and transform itself into a legislature, an act which was much discussed by Buddhist militants during the political upheaval last spring.

The election is an analyst's nightmare.

Only the Hoa Hao, the religious-cum-political sect of the Mekong Delta, is contesting the election as a Party. In central Vietnam, the Vietnam Quoc Dan Dang (VNQDD), a nationalist party constructed along the lines of the Chinese Kuomingtang, is tilting for a dozen seats—but there are several VNQDD factions tilting and there is no assurance that the winners will stick together in the assembly. Similarly, observers doubt if either the Dia Viet Party or the Cao Dai religionists will emerge as cohesive units.

It is for this reason that observers here show great interest in the military candidates. In the assembly likely to result from these elections, a bloc of 10 could be a political powerhouse. The military candidates, presumably loyal to the regime, could be the single united force.

There are as yet no reliable estimates of the mischief potential of the militant Buddhists and the dissident amalgam known as the Front of Citizens of All Faiths. Independent observers tend to discount the influence of both, but today the front issued another communique and in the strongest terms to date called for the boycotting of the election of what it called "the puppet assembly."

There is now, among reliable observers of Vietnamese affairs, skepticism of too elaborate and intricate an analysis of the events about to unfold. There has scarcely been enough time for either the government or its opponents to mount effective campaigns, even if there were general agreement on desirable goals which there apparently is not.

CORRUPTION, THIEVERY, AND BRIBERY IN SAIGON

Mr. GRUENING. Mr. President, on August 24, 1966, CBS–TV broadcast an account by Morley Safer in Saigon of the widespread corruption and theft of U.S. aid commodities he found at the port of Saigon and elsewhere in Vietnam. Much of what Mr. Safer reported had been known previously. The chairman of the Foreign Relations Committee has, in recent weeks, inserted a number of accounts of the extent of the pilferage and graft prevailing in Vietnam. There are, however, two new points in the August 24 telecast.

Mr. Safer reports that an investigation is currently underway of the incidents in which the South Vietnamese Navy has

given escort and safe conduct to sampans carrying food and supplies to Vietcong units in the Mekong Delta. This may well explain the reports we have been getting lately that the United States plans on sending its combat forces into the delta area for the first time. If the South Vietnamese forces are working hand in glove with the Vietcong, the administration may have despaired of achieving any results in the delta area unless it came under the complete control of U.S. forces. Since the South Vietnamese will not fight the Vietcong, our boys will do the fighting for them. These are the people for whom we are sacrificing untold blood and treasure allegedly for their freedom.

The second point is the admission by Mr. Rutherford Poats, an Assistant Administrator of AID, that there is little that AID can do about the corruption and theft of economic assistance commodities. This is the first time I have seen such an admission which is indicative of how large and deep rooted the black market organization has become. This should not be surprising however. The United States has been pouring hundreds of millions of dollars of commodities of all descriptions into a backward country. This uncontrolled flow of goods represents a golden opportunity for the profiteers and for Vietnamese Government officials to make a "quick buck" by dealing with the Vietcong. The scale of our aid program in Vietnam becomes the main factor reinforcing the graft and corruption which Morley Safer points out exists at the very highest level of the Ky government. An aid program designed to alleviate the misery and poverty brought on by the ravages of war ends up by becoming a major cause for increasing the misery and poverty of the masses of people in Vietnam.

I ask unanimous consent for the inclusion of the CBS-TV transcript in the CONGRESSIONAL RECORD.

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

SAFER. This is a town that makes the mind boggle. What started out as a routine inquiry into the increasing incidence of pilferage here at the Port of Saigon has produced a series of almost frightening facts. Here are some of them: an investigation is currently under way to incidents in which the South Vietnamese Navy has given escort and safe conduct to sampans carrying food and supplies to Viet Cong units in the Mekong Delta. These supplies include U.S. AID materials, stolen or purchased on the black market. This is not an isolated incident; it is a regular practice. It appears that running parallel with the war is a national symphony of theft, corruption and bribery. Much of it begins right here in the Port of Saigon. No one in Vietnam is able to specify how much is lost or stolen at the port of entry. The estimates vary from four percent to twenty. Patrol boats keep a constant watch on the river for mines and smugglers, but American security is limited to the military side of the port. There is no U.S. control of commercial docking facilities and here in the Saigon River, piracy and theft is a way of life. Tight control is almost impossible. The river teems with barges and sampans, some of them chartered to transport companies, some simply in the business of theft . . . some doing both. Military does what it can—military warehouses are kept under constant watch but huge caches of items like beer manage to disappear, and it's not individual pilfering, it's a gigantic controlled racket. Beer, C-rations, luxury goods consigned to the commissaries and post exchanges. Army Captain Robert Moran works for the management of the Saigon Port:

There must be some kind of organization behind this stuff, it's not just taken on an individual basis, would you say so?

MORAN. I agree, very much. The individual amount of pilfering wouldn't add up to the amount of black market activity. We do frisk everyone who comes in and out of these port facilities so this would eliminate individual thievery. Some speculation has been that there is, uh, organized groups of people who attempt to take these goods and sell them on the open market.

SAFER. Whole consignments of PX goods—blankets, C-rations, end up in Vietnam's open black markets. There are three in Saigon and they handle cameras, radios, whiskey, all clearly labelled for use of U.S. Military forces. The market is so free of the fear of arrest that no one even bothers to remove the labels. The U.S. AID emblem, the clasped hands of friendship, is liberally displayed for all to see, including the national police. They saunter among the stalls, never making a seizure or an arrest. This is the lowest level of bribery. American investigators have traced it upwards to middle level of government, police and army. But they rely on Vietnamase agencies, Vietnamese police, to make arrests. The story is always the same: a man of influence is involved. He has been fined but we can go no further. What does happen, according to U.S. sources, is that police then shake down this person of influence, blackmail him with the threat of turning him over to the Americans. He always pays up. The black market is the smallest and the most overt example of how funds, food and goods are diverted from the Vietnamese economy directly into the hands of private speculators, and from there into the hands of the Viet Cong. This is one of the most lucrative rackets of all—the traffic in milk. At any Saigon corner you can buy for a dollar a box, give-away U.S. AID powdered milk. There is no attempt to conceal the fact. The box is marked with the clasped hands and the stars and stripes and emblazoned with the motto: Not to be sold or exchanged. American economic warfare personnel advises the Vietnamese government that one way of controlling the movement and distribution of material was to check every vehicle leaving Saigon for the provinces. The roadblocks were duly set up, but their establishment was an invitation for the national police to shake down both the guilty and the innocent truckers and distributors. AID material is not affected by this unofficial tax but all other goods leaving Saigon are taxed. Not at the roadblocks themselves but in the privacy of an office or police station. Honest officials do turn up but they are soon transferred by their superiors.

These practices can never be eradicated simply because the United States does not control the internal affairs of this country. Even in this appropriation of AID money and food is something that we have learned to live with in Vietnam and a lot of other countries. But there is evidence now that the Viet Cong political and economic intrastructure is directly tied to the blackmarket. The blackmarket is directly tied to important elements in Premier Ky's government. One American official whose job is to deprive the Viet Cong of resources told CBS News:

The enemy's procurement program is extremely sophisticated. It is meshed into the national economic program and relies heavily on the blackmarket.

Another American source who is in close contact with the harassed officers in Saigon and Washington says: It is our biggest problem in fighting this war.

Morley Safer, CBS News, Saigon.

CRONKITE. In Washington, Marvin Kalb asked for reaction to the Safer report from Rutherford Poats, Assistant Foreign Aid Administrator for the Far East.

POATS. It's a very tough problem. As you know, the Viet Cong are everywhere. They are in the life blood of the economy. We have never had that problem before like this, we've never fought a war like this. There are no lines. Business is done from one Vietnamese to another. They're all in similar clothing, look alike, live in the same areas, and yet unless we can check the flow of supplies to the Viet Cong, they will obviously be able to carry on the war that much longer. If we cannot hurt them in their areas, they'll be able to continue to struggle. But we do consider it a major problem and it's a very tough one to solve.

KALB. Mr. Poats, are we capable of cutting off this flow of supplies to the Viet Cong?

POATS. No. I think we should face squarely that we are not fully capable of doing it. In the first place, V.C. areas are pockmarked throughout the country. You may find a village which is in government control and immediately around it are people who are friendly to the V.C., whose sons or father are out with the V.C. part time or full time. These villagers must be supplied. Commercial trucks bring them supplies, both imported goods and domestic goods. We cannot break this entirely. Now if we erected—the Vietnamese Government erects—a wall of policemen around each port, around each area of production of industrial goods or rice, and attempt to stop the flow of traffic between these areas, they will starve large areas of the country that we hope to win over, where we hope to gradually push back the tide of Viet Cong control. So we also have problems of corruption, as Mr. Safer pointed out. It's impossible to run a large-scale police check point system as is being attempted now without some police seeing an opportunity to get a small bribe for letting something go through. This does happen, but we don't think it happens nearly as much as some of the rumors around Saigon suggest.

PRAYER IN PUBLIC SCHOOLS

Mr. BAYH. Mr. President, I ask unanimous consent to include in the RECORD the fifth of a series of insertions regarding school prayer. Previous insertions were made on August 23, 24, 25, 26, and 29 and can be found on pages 20295, 20451, 20570, and 21091, respectively.

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

STATEMENT OF DANIEL J. O'CONNOR, CHAIRMAN, NATIONAL AMERICANISM COMMISSION, THE AMERICAN LEGION, BEFORE THE SUBCOMMITTEE ON CONSTITUTIONAL AMENDMENTS, SENATE COMMITTEE ON JUDICIARY, ON SENATE JOINT RESOLUTION 148, AUGUST 8, 1966

Mr. Chairman and Members of the Subcommittee:

I wish to express our sincere appreciation for the opportunity you have afforded The American Legion and The American Legion Auxiliary in presenting our position in support of S.J. Res. 148 with respect to a proposed constitutional amendment, which provides that nothing contained in the Constitution of the United States shall prohibit the authority administering any school, school system, educational institution or other public building supported in whole or

in part through the expenditure of public funds from providing for or permitting the voluntary participation by students or others in prayer. We fully support the prohibition against any public authority prescribing the form or content of any prayer but heartily endorse the right of any person under the First Amendment to participate in prayer.

Mr. Chairman, our statement is that of The American Legion and its Auxiliary and we are not allied with any other organization. We stand completely on our own as a Congressionally chartered organization dedicated to service for God and country.

We will endeavor to avoid repetitious arguments and give you our reasons in favor of such constitutional amendment, but there are a few poignant remarks which we believe are necessary in the light of statements which have appeared through the communication media concerning the motives of those who favor the United States Supreme Court decisions, and of the Court itself. We assure you, Mr. Chairman and Members of the Committee, that we strongly support all three branches of the Government—the Executive, the Legislative, and the Judiciary. We believe in the system of checks and balances. However, we may differ, at times, on how those functions are carried out, and more particularly whether on occasion the Judiciary has pre-empted the authority of Congress.

While we strongly urge a constitutional amendment, we do not share that criticism of the United States Supreme Court which would make the Judiciary a whipping post for extremists. We believe in the integrity of the Court and we respect the dignity of the Judiciary as a separate institution dedicated to safeguarding our freedom through its rulings and interpretations. We will not indulge in personal attacks or recriminations. We respect the views of those who differ with us as we expect them to respect our views. We do not accuse any witness of hypocrisy or a lack of sincerity in presenting his viewpoint, however strongly we may differ on this proposed amendment or in the aims and purposes of our respective organizations. However, in the instant matter, we believe that if the decisions of the United States Supreme Court validly interpret the meaning of the First Amendment, then as Americans and as war veterans, who have contributed generously to the preservation of our freedoms, we firmly believe that American school children should not be denied the right to ask divine blessing on this country, on their parents and their teachers, and a constitutional amendment appears desirable. Our study of the First Amendment convinces us that the Court erred in their prayer decisions because the history, tradition, statutes and common law of this nation are replete with references to the Deity and the invocation of providential aid.

We realize that much has been written and spoken concerning these decisions and we have noted the argument that those who differ with us believe their children should not have imposed on them a compulsory period of silence or separation during the recitation of a school prayer. By the same token, it can also be reasoned that the great majority of school children, who have participated in school prayers which have not been prescribed have been forced to accept the position of the non-believer. We do not charge all those who differ with us of being atheists or agnostics, but we do believe the Supreme Court of the United States has imposed a "neutralism" toward all religion which in essence is the promotion or adoption of the agnostic doctrine or non-belief that is the direct antithesis of the belief of the Founding Fathers and succeeding generations of Americans.

We believe this decision is not in the best interest of promoting moral and spiritual values in American youth. We believe the imposition of non-belief does not contribute to the character building of American school children. Our history and tradition has shown that, not only in the public schools but in public places, Americans have not hesitated to acknowledge their Creator and ask His blessing.

The American Legion, as America herself, "a Nation founded under God" determined forty-seven years ago that to accomplish the worthy goals demanded of this veterans' organization, God is the Supreme Being to guide and perpetuate our heritage through Constitutional government. This is so stated in the Preamble to the Constitution of The American Legion. The basic concepts upon which the United States was founded are contained in the Bible; the laws of the Nation are based on the world's greatest short moral code, the Ten Commandments, and since our form of government and the American way of life contain so many religious references, it would seem that our children may well be taught the reason and source of this origin. American youngsters between the ages of seven and twenty-one spend more waking hours at school and school activities than they do at home and church combined. America's economic, social and political life historically has been based upon the proposition that God is the Creator of all things and all life.

This philosophical position sets man apart from the rest of the animal world and bestows on him certain irrevocable God given rights as stated in the Declaration of Independence: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, and among these are Life, Liberty and the pursuit of Happiness." The conviction of our Founding Fathers rested upon natural and divine law; that these rights were the gift of the Creator and not the object of concession by a monarch or oligachy; and that governments existed not to protect and secure, not to abolish nor to alter these unalienable rights. The principle of divine law is older than the universe. It is universal, unchanging truth pinpointed in a discussion on the nature and purpose of man which began in Greece nearly 2,000 years ago. Around 1776, the Founding Fathers looked with favor on the philosophy of John Locke, and others, who professed an acknowledgement of the Supreme dominion of the Author of life in the affairs of men. American History shows forcefully and brilliantly that our forebears of different religious persuasion repeatedly invoked the blessing of God on our Country. Never before had a whole people dared to stake their lives and their futures on the truth of this assertion. "Religion and morality are our indispensable support," the Founding Fathers declared, and they added, "Whoever shall subvert these great pillars of human happiness shall not be entitled to claim the tribute of patriotism." George Washington, John Adams and Thomas Jefferson all acknowledged that religion can establish the principles upon which freedom and popular government must stand. "The liberties of a Nation cannot be thought secure if we remove the only firm basis, a conviction in the minds of the people, that these liberties are the gift of God." Benjamin Franklin, the oldest, and in many ways the wisest of the men who formulated our Declaration of Independence and our National Constitution, put it this way when he rose in the Philadelphia Convention to counsel his younger colleagues: "I have lived, sirs, a long time and the longer I live the more convincing proofs I see of this truth, that God governs the affairs of men."

A teacher at Fairview High School, Dayton, Ohio, remarked after the sorrowful incident of the assassination of our President in 1963 as follows: "For years here at Fairview High School we have included prayers, readings, music, as a part of our brief morning opening exercises. These prayers have included petitions for Pope John during his illness, for President Eisenhower when he had his heart attack, for the United Nations when Dag Hammarskjold was killed, for our Presidents when they took their oath of office, for our country during times of peace and during times of conflict and unrest, for members of the student body who had lost a loved one; for our school—yet, when the United States faced its most tragic and upsetting event in recent years, we were forced to ignore the natural outpouring of our dismay and petitions simply because we happened to be in a building called a school when the tragedy struck on November 22." This last reference was made concerning the tragic death of our beloved President John F. Kennedy.

One of the reasons why America's Founding Fathers insisted upon the separation of church and state was because of the plurality of religion in the United States. By separating the church and state, our Forefathers never exercised religion. There is a tendency today, however, to argue that on account of the pluralism of religion in the United States, there should be no recognition of religion whatsoever, because it might be unfair to those who are non-believers or anti-religious. It is well to recognize pluralism of religious sects but it is wrong to conclude that, therefore, there should be no religion. There is a sharp distinction between freedom of religion and freedom from or the complete exclusion of religion. There are basic principles which are absolutely necessary for the moral and spiritual well-being of a Nation and which should never be in dispute. Why does every President of the United States call upon God to witness the truth of the Chief Executive's pledge to uphold and defend the Constitution? Obviously because the United States recognizes God as the Supreme Judge and Ruler over nations. President Lyndon Johnson on assuming office asked all of us to help him but also invoked the help of God in a broadcast heard all over the Nation by Americans of all ages.

No study of the First Amendment would be complete without examining the events and circumstances of the time prior to and at the time of its adoption.

Just three weeks ago we observed the 175th anniversary of the inauguration of George Washington as first President of the United States. About one week before the inaugural, the upper House of Congress passed the following resolution:

"*Resolved*, That after the oath shall have been administered to the President, he, attended by the Vice President, and Members of the Senate and House of Representatives, proceed to St. Paul's Chapel, to hear divine service to be performed by the Chaplain of Congress already appointed."

This measure passed both Houses of Congress literally unchanged and the inaugural service was held in St. Paul's Chapel, performed by Rt. Rev. Samuel Provoost, Episcopal Bishop of New York and Chaplain of the Senate.

In view of this obvious religious ceremony, an Anglican service, what becomes of the argument advanced today by those who say the First Amendment proposed by the same men in the same Congress prohibits prayers offered or sanctioned by government officials?

According to the annals of Congress, less than five months after Washington's inauguration on September 24, 1789, Congress approved the First Amendment and on the very same day overrode an objection to a request by Congress calling upon the President of the United States to proclaim a national day of thanksgiving and prayer. Congress passed a joint resolution as follows:

"That a joint committee of both Houses be directed to wait upon the President of the

United States to request that he would recommend to the people of the United States a day of public thanksgiving and prayer, to be observed by acknowledging, with grateful hearts, the many signal favors of Almighty God, especially by affording them an opportunity peaceably to establish a Constitution of government for their safety and happiness."

How can anyone allege that Congress in sanctioning this prayer on the very same day it approved the First Amendment intended the First Amendment to prohibit public prayer?

About eight years before the Civil War, the United States Senate Committee on the Judiciary expressed the view that the framers of the First Amendment did not intend to prohibit a just expression of religious devotion by the legislators of the nation even in their public character as legislators. In 1858, Abraham Lincoln in his last debate with Senator Stephen Douglas, passed comment on the famous Dred Scott decision, which held that a negro could not be a citizen of the United States. Lincoln said, "I believe the decision was improperly made and I go for reversing it." The President while maintaining deep respect for the Judiciary nevertheless expressed his sharp dissent from the Court's decision which in essence made the American negro a chattel, not a human personality enobled by his Creator in the image and likeness of God.

When we dissent, we, too, can exercise our right to seek redress in the Congress and invoke through Constitutional means, a remedy. This remedy, a Constitutional amendment, was the subject of remarks by our United Nations Ambassador Arthur Goldberg in January, 1964, at the National Press Club in Washington, D.C., when he referred to the right of the people to reverse the Supreme Court's ruling on school prayers by Constitutional amendment even though he did not agree with the objective.

The American Legion significantly we believe, has not asked the Congress to pre-empt or limit the powers of the United States Supreme Court. Past history has shown that our Supreme tribunal has responded to the plea of the national will and we hope that in the instant matter the Court will respond. The Supreme Court's interdiction, however, appears so strong that only an optimist would keep a spark of hope alive that would look to complete reversal. It is impossible that because of so many varying and conflicting interpretations that have resulted, for example, in encouraging the abolition of baccalaureate services and other time honored traditions, the Supreme Court may someday modify its position and restore the concept which existed prior to 1962 that there is a God to whom we all are subject and owe homage.

World War II veterans will never forget the repeated pleas for divine aid by the Late President Franklin D. Roosevelt, and the sturdy reliance of President Harry Truman on providential aid in the Korean War. Our only other living former President, Dwight D. Eisenhower, has not only duplicated these invocations but also lent his voice to this noble cause.

In closing I would like to offer acknowledgement for assistance in my historical references, to Charles E. Rice, Associate Professor of Law, Fordham University, author of the book, "The Supreme Court and Public Prayer, the Need for Restraint," which contains a chapter entitled Solution by Legislation which specifically deals with the question of a constitutional amendment providing that nothing in the Constitution shall prohibit voluntary prayer in public places. In treating such constitutional amendment we recognize, too, the importance of protecting the non-believer's right to dissent but we do not believe the non-believer has the right to impose his non-belief on the great majority of Americans.

It is our sincere conviction that the First Amendment was intended to protect the American people from the establishment of a state or national religion and was never intended to rule God out of any phase of American life. If the Court decisions stand without modification, or without remedy and the plea of the majority is ignored, I assure you, Mr. Chairman, there will rise from the grass roots of America a cry of indignation from millions of Americans which war veterans and their families will not only support, but lead, and which will exceed the protests already registered in the Halls of Congress.

On behalf of over three and one-half million members of The American Legion and American Legion Auxiliary, I express our deep appreciation to you, Mr. Chairman, and to the members of the Subcommittee for consideration of this statement in support of S.J. Res. 148.

STATEMENT OF LEO PFEFFER TO THE SUBCOMMITTEE ON CONSTITUTIONAL AMENDMENTS AT HEARINGS ON SENATE JOINT RESOLUTION 148, TO AMEND THE FIRST AMENDMENT TO THE U.S. CONSTITUTION WITH RESPECT TO BIBLE READING AND PRAYERS IN PUBLIC SCHOOLS

My name is Leo Pfeffer. I am a Professor of constitutional law and Chairman of Department of Political Science at Long Island University, and am Special Counsel for the American Jewish Congress. I appear here pursuant to the invitation of this Committee to testify in my individual capacity and the views I express here are my own. I am however authorized to state that the American Jewish Congress endorses the views expressed by me and adopts them as its statement.

This year marks the 175 anniversary of the adoption by the American people of the Bill of Rights. The approval on December 15, 1791 of the first ten amendments to the United States Constitution constituted a truly historic landmark in the history of man's struggle for liberty. That great document securing the freedom of Americans has for the past century and three-quarters constituted a model which has been emulated by the overwhelming majority of nations which today have written constitutions, and by the United Nations itself. It would, in my opinion, be a great disservice to the cause of freedom if the first weakening of that Bill of Rights should come at this time.

This Committee has a grave responsibility in considering the proposed change of the First Amendment. In exercising this responsibility it should bear in mind the words of the greatest Justice in the monumental decision of *McCulloch* v. *State of Maryland:* "We must never forget," Chief Justice Marshall said, "it is a constitution we are expounding." It is an instrument, he said that was "intended to endure for ages to come."

It would be a deplorable precedent if the Bill of Rights were to be amended for so slight and practically meaningless purpose as presented in the proposed amendment now being considered by this Committee. To paraphrase the words in the Declaration of Independence, a Bill of Rights "long established should not be changed for light and transient causes." The amendment proposed is indeed a light and transient cause.

To the extent that the amendment has meaning, it is unnecessary; to the extent that it would change existing law, it is meaningless. Nothing in any decision of the Supreme Court forbids an individual school child voluntarily to offer a prayer before or after taking of food or perhaps on other occasions, so long as the regular discipline of the school and other children is not thereby disturbed or interfered with. On the other hand, if the school authorities in any way participate actively in the procedure whereby children pray during public school hours and on public school premises, participation by the children, as the Supreme Court has recognized on several occasions, cannot truly be said to be voluntary. No child in a public school acts voluntarily when he engages in activity which is sponsored or provided for by the public school administration. To assume that a six or seven year old child is acting voluntarily by participating in a prayer which the teacher announces and regulates is completely unrealistic. There is much that can be done through amending the Constitution, but even an amendment to the Constitution cannot change the laws of child behavior.

Why is this amendment being proposed at the present time? Certainly the voices of organized religion do not support it. They who have the primary responsibility for preserving and protecting the faith of Americans are opposed to this amendment. It can hardly be said that they are indifferent to the concerns which have motivated the introduction of this amendment. The only reasonable conclusion is that they feel strongly that this amendment is not helpful and indeed, may well be harmful to the cause of religion.

Nor do those who have made the study and the teaching of the Constitution their life vocation favor this amendment. In 1964, a number of similar amendments were being considered by the House Committee on the Judiciary. At that time I had the privilege of presenting to that Committee a statement in opposition to all such proposals signed by 223 constitutional lawyers. I think it appropriate to set forth here the text of that short statement:

"OUR MOST PRECIOUS HERITAGE

"Our Bill of Rights is America's most precious heritage. For a century and three quarters it has spread the mantle of protection over persons of all faiths and creeds, political, cultural and religious.

"Under our system, special responsibility for the interpretation and application of the Bill of Rights rests with the Supreme Court. In discharging this responsibility the Court has from time to time handed down decisions which have aroused considered controversy. Some of the decisions have been subjected to strong criticism and even condemnation. There have, no doubt, been decisions which have been deemed by a majority of the American people, at least in their immediate reaction, to have been unwise, either in the conclusion reached by the Court or in the manner by which that conclusion was reached.

"It may be that the Court's 1962 and 1963 decisions against state-sponsored prayer and devotional Bible reading in the public schools belong in this category. If so, it is much too early to judge whether it will be the popular judgment or the Court's that will be vindicated by time. But whichever the case, we are convinced that it would be far wiser for our nation to accept the decisions than to amend the Bill of Rights in order to nullify them.

"We recognize that the Constitution provides for its own amendment, and that no provision of it, including the Bill of Rights, is immune to repeal or alteration at the will of the people expressed through the medium of constitutional amendment. Yet, it is relevant to recall in this respect the concluding paragraph of Thomas Jefferson's great Virginia statute for Establishing Religious Freedom:

" 'And though we well know that this assembly, elected by the people for the ordinary purposes of legislation only, have no power to restrain the acts of succeeding assemblies, constituted with powers equal to our own, and that therefore to declare this act to be

irrevocable would be of no effect in law, yet we are free to declare, and do declare, that the rights hereby asserted are of the natural rights of mankind, and that if any act shall be hereafter passed to repeal the present, or to narrow its operation, such act will be an infringement of natural right.'

"American liberties have been secure in large measure because they have been guaranteed by a Bill of Rights which the American people have until now deemed practically unamendable. If now, for the first time, an amendment to 'narrow its operation' is adopted, a precedent will have been established which may prove too easy to follow when other controversial decisions interpreting the Bill of Rights are handed down. In the past, the Court has construed the provisions against infringement of the free exercise of religion and of speech and assembly, or securing the privilege against self-incrimination, or requiring fair trial procedures, in a manner deemed by many at the time to be unduly restrictive of the proper powers of government. It is certain that it will do so again in the future. If the first clause of the Bill of Rights, forbidding laws respecting an establishment of religion, should prove so easily susceptible to impairment by amendment, none of the succeeding clauses will be secure.

"A grave responsibility rests upon the Congress in taking this 'first experiment on our liberties.' Whatever disagreements some may have with the Bible-Prayer decisions, we believe strongly that they do not justify this experiment. Accordingly we urge that Congress approve no measures to amend the First Amendment in order to overrule these decisions.

"JUNE 8, 1964."

An examination of the signers of that statement indicates that they include practically every nationally recognized teacher of constitutional law in the nation. I am taking the liberty of appending to this statement a list of the signers.

I may point out that some of the signers did not agree with the Supreme Court decision in the Bible reading and prayer cases. Yet, they are all unanimous in the view that whatever their disagreement with the decisions may be, an amendment to the Constitution is entirely unwarranted.

I urge this Committee to give great weight to the views of these disinterested scholars and teachers of the Constitution of the United States.

Respectfully submitted.

LEO PFEFFER.

AUGUST 4, 1966.

APPENDIX

NOTE.—Deans are indicated by *.

*Robert F. Drinan, S.J., Boston College Law School.

Paul A. Freund, Harvard University Law School.

Benjamin Aaron, University of California School of Law.

Francis A. Allen, University of Chicago Law School.

Chester James Antieau, Georgetown University Law Center.

Thomas L. Archibald, University of Connecticut School of Law.

Charles E. Ares, New York University School of Law.

Albert R. Beisel, Jr., Boston University School of Law.

Edmund O. Belsheim, University of Nebraska College of Law.

Eric E. Bergstein, University of Iowa College of Law.

Arthur L. Berney, Boston College Law School.

*Ralph F. Bischoff, New York University School of Law.

Boris I. Bittker, Yale Law School.

Charles L. Black, Jr., Yale Law School.

Edward J. Bloustein, New York University School of Law.

Wilber G. Katz, University of Wisconsin Law School.

Leo Pfeffer, New York, New York.

Edgar Bodenheimer, University of Utah College of Law.

Arthur Bonfield, University of Iowa College of Law.

W. J. Brockelbank, University of Idaho College of Law.

Alexander D. Brooks, Rutgers—The State University School of Law.

Ralph S. Brown, Jr., Yale Law School.

Paul W. Bruton, University of Pennsylvania Law School.

Kendal C. Byrnes, John Marshall Law School.

Edmond Cahn, New York University School of Law.

Richard J. Childress, St. Louis University School of Law.

Elwood H. Chisolm, Howard University School of Law.

Thomas G. S. Christensen, New York University School of Law.

Chapin D. Clark, University of Oregon College of Law.

Homer H. Clark, Jr., University of Colorado School of Law.

William Cohen, University of California School of Law.

*Thomas M. Cooley II, University of Pittsburgh School of Law.

Vern Countryman, Harvard University Law School.

*Lindsey Cowen, University of Virginia School of Law.

Brooks Cox, University of California, Hastings College of the Law.

Melvin G. Dakin, Louisiana State University Law School.

Charles W. Davidson, University of Iowa College of Law.

Clifford Davis, University of Iowa College of Law.

Frederick Davis, Emory University, Lamar School of Law.

*Paul R. Dean, George Washington University Law School.

Richard C. Donnelly, Yale Law School.

Peter J. Donnici, University of San Francisco School of Law.

Norman Dorsen, New York University School of Law.

Gray Dorsey, Washington University School of Law.

*David A. Dow, University of Nebraska College of Law.

Steven Duke, Yale Law School.

Thomas I. Emerson, Yale Law School.

Samuel D. Estep, University of Michigan Law School.

Samuel M. Fahr, University of Iowa College of Law.

Charles Fairman, La Jolla, Calif.

Donald J. Farage, Dickinson School of Law.

D. M. Field, University of Georgia School of Law.

*C. Clyde Ferguson, Jr., Howard University School of Law.

Robert L. Fletcher, University of Washington School of Law.

*Jefferson B. Fordham, University of Pennsylvania Law School.

Morris D. Forkosch, Brooklyn Law School.

Henry H. Foster, Jr., New York University School of Law.

John P. Frank, Phoenix, Arizona.

Monroe H. Freedman, George Washington University Law School.

Alexander Hamilton Frey, University of Pennsylvania Law School.

Ralph F. Fuchs, Indiana University School of Law.

Walter Gellhorn, Columbia University School of Law.

Jules B. Gerard, Washington University School of Law.

Donald A. Giannella, Villanova University School of Law.

Robert E. Goostree, American University, Washington College of Law.

Murray A. Gordon, New York, New York.

Kenneth W. Greenawalt, New York, New York.

Howard L. Greenberger, New York University School of Law.

Robert S. Greenspan, University of Pittsburgh School of Law.

*Erwin N. Griswold, Harvard University Law School.

Gerald Gunther, Stanford University School of Law.

Robert L. Hale, Columbia University School of Law.

*Eugene N. Hanson, Ohio Northern University College of Law.

Fowler Harper, Yale Law School.

*M. Leigh Harrison, University of Alabama School of Law.

Harold C. Havighurst, Northwestern University School of Law.

*Willard Heckel, Rutgers—The State University School of Law.

*David M. Helfeld, University of Puerto Rico School of Law.

Jerome R. Hellerstein, New York University School of Law.

Louis Henkin, Columbia University School of Law.

*Elwood H. Hettrick, Boston University School of Law.

N. William Hines, University of Iowa College of Law.

John Honnold, University of Pennsylvania Law School.

*Bert Earl Hopkins, University of Connecticut School of Law.

Pendleton Howard, University of Southern California School of Law.

Robert L. Howard, University of Missouri School of Law.

Mark deWolfe Howe, Harvard University Law School.

*Harold E. Hurst, University of Denver College of Law.

*Jacob D. Hyman, State University of New York at Buffalo, School of Law.

*Vincent C. Immel, St. Louis University School of Law.

*Thomas Mille Jenkins, Florida Agricultural and Mechanical University College of Law.

Harry W. Jones, Columbia University School of Law.

Harry Kalven, Jr., University of Chicago Law School.

*Page Keeton, University of Texas School of Law.

William J. Kenealy, S.J., Boston College Law School.

Frank R. Kennedy, University of Michigan Law School.

Robert R. Kent, Boston University Law School.

*Leo J. Kerford, South Carolina State College School of Law.

Donald B. King, Wayne State University Law School.

Edward C. King, University of Colorado School of Law.

Milton R. Konvitz, Cornell Law School.

*Robert Kramer, George Washington University Law School.

Philip B. Kurland, University of Chicago Law School.

*Mason Ladd, University of Iowa College of Law.

Harold D. Lasswell, Yale Law School.

*Hiram H. Lesar, Washington University School of Law.

*Leonard W. Levy, Brandeis University.

Charles H. Livengood, Jr., Duke University School of Law.

William J. Lloyd, Syracuse University College of Law.

*William B. Lockhart, University of Minnesota Law School.

*James K. Logan, The University of Kansas School of Law.

Ephraim S. London, New York, New York.

Daniel R. Mandelker, Washington University School of Law.
W. Howard Mann, Indiana University School of Law.
William L. Marbury, Baltimore, Maryland.
Will Maslow, New York, New York.
David R. Mason, Montana State University School of Law.
*M. Minnette Massey, University of Miami School of Law.
*W. L. Matthews, Jr., University of Kentucky College of Law.
*Richard C. Maxwell, University of California, School of Law.
Robert C. McClure, University of Minnesota Law School.
*Robert B. McKay, New York University, School of Law.
*Albert R. Menard, Jr., University of Colorado, School of Law.
Saul Mendlowitz, Rutgers—The State University, School of Law.
Maurice H. Merrill, University of Oklahoma, College of Law.
Arthur S. Miller, George Washington University Law School.
Frank A. Miller, Washington University, School of Law.
Richard S. Miller, Wayne State University Law School.
*Vernon X. Miller, Catholic University of America.
Paul J. Mishkin, University of Pennsylvania Law School.
Arval A. Morris, University of Washington, School of Law.
Addison Mueller, University of California, School of Law.
Gerard O. W. Mueller, New York University, School of Law.
Jay Wesley Murphy, University of Alabama, School of Law.
William P. Murphy, University of Missouri, School of Law.
Nathaniel L. Nathanson, Northwestern University, School of Law.
*Phil C. Neal, University of Chicago Law School.
John B. Neibel, University of Houston, College of Law.
Wade Newhouse, State University of New York at Buffalo Law School.
*Frank C. Newman, University of California, School of Law.
Melville B. Nimmer, University of California, School of Law.
Harold Norris, Detroit College of Law.
Charles B. Nutting, George Washington University Law School.
Paul Oberst, University of Kentucky, College of Law.
Leo J. O'Brien, University of San Francisco, School of Law.
Jeffrey O'Connell, Harvard University Law School.
*Joseph O'Meara, Notre Dame Law School.
John D. O'Reilly, Jr., Boston College Law School.
Thomas J. O'Toole, Georgetown University Law Center.
James C. N. Paul, University of Pennsylvania Law School.
Roger Paul Peters, Notre Dame Law School.
*Bruce Peterson, University of Tulsa School of Law.
*Philip E. Peterson, University of Idaho College of Law.
Oval A. Phipps, St. Louis University School of Law.
P. Manfred Pieck, Creighton University School of Law.
Shad Polier, New York, New York.
Louis H. Pollak, Yale Law School.
Daniel H. Pollitt, University of North Carolina School of Law.
Leonard S. Powers, University of Florida College of Law.
A. J. G. Priest, University of Virginia School of Law.
Paul O. Proehl, University of California School of Law.
*T. F. Quinn, Duquesne University School of Law.
Carl Rachlin, New York, New York.
Walter A. Rafalko, Duquesne University School of Law.
Norman Redlich, New York University School of Law.
Charles A. Reich, Yale Law School.
*Harold Gill Reuschlein, Villanova University School of Law.
Ralph S. Rice, University of California.
Worth K. Rice, William Mitchell College of Law.
Joseph B. Robison, New York, New York.
*Philip Romiti, DePaul University College of Law.
Hugh A. Ross, Western Reserve University Law School.
*Eugene V. Rostow, Yale Law School.
Albert M. Sacks, Harvard University Law School.
Howard R. Sacks, Northwestern University School of Law.
*Arthur M. Sammis, University of California, Hastings College of the Law.
Paul H. Sanders, Vanderbilt University.
C. Dallas Sands, University of Alabama School of Law.
*John D. Scarlett, University of South Dakota School of Law.
*Oliver Schroeder, Jr., Western Reserve University Law School.
William F. Schulz, Jr., University of Pittsburgh School of Law.
Murray L. Schwartz, University of California School of Law.
Austin W. Scott, Jr., University of Colorado School of Law.
John Scurlock, University of Missouri School of Law.
*Reynolds C. Seitz, Marquette University Law School.
Ralph D. Semerad, Albany Law School.
Melvin G. Shimm, Duke University School of Law.
T. A. Smedley, Vanderbilt University School of Law.
*Allan F. Smith, University of Michigan Law School.
Joseph M. Snee, S.J., Georgetown University Law Center.
*Earl Sneed, University of Oklahoma College of Law.
Carl B. Spaeth, Stanford University School of Law.
*Wilson G. Stapleton, Cleveland-Marshall Law School.
*E. Blythe Stason, University of Michigan Law School.
George Neff Stevens, University of Washington School of Law.
Edward S. Stimson, University of Idaho College of Law.
*Robert E. Sullivan, Montana State University.
*Russell Neil Sullivan, University of Illinois College of Law.
Telford Taylor, Columbia University School of Law.
A. J. Thomas, Jr., Southern Methodist University School of Law.
Gray Thoron, Cornell Law School.
*Albert L. Turner, North Carolina College Law School.
Albert E. Utton, University of New Mexico School of Law.
Arvo Van Alstyne, University of California School of Law.
David H. Vernon, University of New Mexico School of Law.
Allan D. Vestal, University of Iowa College of Law.
*Marlin M. Volz, University of Louisville School of Law.
Lawrence G. Wallace, Duke University School of Law.
Lewis H. Weinstein, Boston, Mass.
Russell J. Weintraub, University of Iowa College of Law.
Charles M. Whelan, S.J., Fordham University School of Law.
William Wicker, University of Tennessee College of Law.
Jerre S. Williams, University of Texas School of Law.
Ralph K. Winter, Jr., Yale Law School.
Albert M. Witte, University of Arkansas School of Law.
Melvin L. Wulf, New York, New York.
*William F. Zacharias, Chicago-Kent College of Law.

DISTRICT OF COLUMBIA CRIME COMMISSION REPORT ON THE METROPOLITAN POLICE DEPARTMENT

Mr. KENNEDY of New York. Mr. President, a month ago the President's Commission on Crime in the District of Columbia issued its report on the Metropolitan Police Department.

Since that time, the report has met with opposition in some quarters. I believe the recommendations in the Crime Commission's report merit immediate and careful consideration. Our police need and deserve our full support in their role as the frontline of defense to life and property. Many of the Commission's recommendations would, in my judgment, further that support if they were adopted. The District's police force has been dedicated in its effort to meet its responsibilities, but I think that implementation of the Commission's report would strengthen it further as it tries to bring even-handed and effective protection to every citizen.

The Crime Commission's report is based upon a careful and responsible evaluation of the department which was done at the Commission's request by the International Association of Chiefs of Police. The report documents with clarity that an outdated organizational structure and outmoded personnel practices have resulted in inefficient use of manpower and lack of communication between the department's command and its patrolmen on the street. These failings have diminished the law enforcement protection which the citizens of the District receive, and have damaged the department's efforts to serve every member of the community equally and fairly. And I might add that these deficiencies exist in a department which spends more per citizen than any other large urban police force in the country.

The report contains a catalog of important recommendations. It recommends, for example, that the Department's command structure be centralized and reorganized. It recommends that computers be used to analyze the incidence of crime by time and place so that personnel can be efficiently assigned and records kept that will aid in law enforcement. It recommends revision of the recruitment and training programs for policemen so that the Department will reach more adequately into the Negro community and so that policemen will understand better how to deal with the difficult probelms of community relations that confront us in these days of urban crisis.

These are just a few of the recommendations that appear in the 90-page report. In the summary at the end, a total of 41 recommendations are listed. I be-

lieve we should begin now to take the steps that will be necessary to implement the Commission's recommendations. I know I join many concerned citizens and public officials in urging this course of action. The difference it could have made in one situation was indicated in a news report in the Washington Post early last week. I ask unanimous consent that that article be printed in the RECORD at the close of my remarks.

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

THE POLICE: COMMISSION REPORT WARNED THEY WOULD HAVE TROUBLE

(By Leonard Downie, Jr.)

Commissioner Walter N. Tobriner, who is organizing the citizen's investigation of last Monday's Eleventh Precinct disturbance, was told in strongly worded detail about Washington's festering police-citizen problems even before the Anacostia incident occurred.

The source was President Johnson's high-powered D.C. Crime Commission. It spent a year studying the Washington police and their sometimes troubled relations with residents of predominantly Negro neighborhoods.

Parts of its 90-page report, which has been on Tobriner's desk for nearly a month now, clearly describe the undercurrents of tension throughout the city that surfaced in rock-throwing, club-wielding violence Monday night.

Said the report:

"The police too often are viewed as outsiders and adversaries, restricting the freedom of less prosperous citizens . . .

"With little respect for the law and its representatives, some people aggravate situations involving the police by arousing hostile crowds . . .

"On the other hand, some police officers associate the characteristics—age, race, dress—of a few troublemakers in the neighborhood with other persons of similar appearance, and come to treat an even larger class of citizens with hostility, suspicion and sometimes even with contempt . . .

"Police contacts with citizens marked by hostility and abuse become more common . . .

"The intrinsic fabric of life in the community is harmed as tension, anger, and fear intrude upon the daily activity of police and citizens alike . . .

"The situation encourages more open retaliation by dissident elements against constituted authority generally and the police in particular."

The Crime Commission's report also told Tobriner and Police Chief John B. Layton how to make a start, at least, in reducing this alienation between police and citizens. It recommended that Police Department orders be issued to:

Provide policemen with clear directions on how to make arrests in possibly explosive situations.

Ban the use of "trigger words" such as "boy" or "nigger" and other abusive language by policemen, even if it is only in return for abuse heaped upon them by angry crowds.

Establish realistic guidelines controlling near-riot disturbances to prevent them from becoming full-scale riots.

Eliminate the use of police dogs for crowd control and in any area congested with people.

Integrate all levels of activity more thoroughly so that citizens can see that race does not affect police job assignments, much less police-citizen relations.

Increase police-citizen communication, especially in tense neighborhoods at tense times.

None of these recommended Departmental orders have yet been issued. The resulting void was characterized by these complaints from Negroes who were involved in or witnessed the trouble at the Eleventh Precinct station house:

Police may have touched off the disturbance by making arrests at a crowded outdoor meeting.

Police exchanged epithets with angry youngsters milling around the precinct station later.

When trouble broke, the police indiscriminately swung their clubs, hitting innocent bystanders as they charged youths who had been throwing stones at them.

Police dogs were on the scene.

White policemen were in the forefront of those battling the crowd, while Negro officers were kept in the background.

Officers in charge at the station brushed off attempts by some youths to talk things over while the picketing was still peaceful.

The police strongly dispute some of these charges and contend that other actions taken during the confusion were justified under the circumstances.

Questions also are being asked about the role of Southeast neighborhood workers in the picketing that led to the angry confrontation.

But the point made by those who know the Crime Commission's recommendations well is that with strict orders to guide policemen in situations like this the city could probably avert much similar trouble and at least better account for the actions of police when trouble occurs anyway.

They wonder if another investigation by another citizens' group will produce anything that the Crime Commission has not already told city officials.

And they fear that still more time will elapse before the Commission's recommendations, labeled by both Commission members and the White House as "high priority," will finally be put into effect.

A TRIBUTE TO OTTO PASSMAN

Mr. GRUENING. Mr. President, a deserved tribute to an outstanding Member of the House whose efforts to bring a needed economy to our outsized foreign aid program is found in a column by John Chamberlain which appeared in the Anchorage News entitled "OTTO PASSMAN, an Able Watchdog." I ask unanimous consent that it be inserted at this point of my remarks.

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

OTTO PASSMAN, AN ABLE WATCHDOG

(By John Chamberlain)

They used to call him "Terrible OTTO" PASSMAN when, as head of the House of Representatives subcommittee that acts as watchdog on foreign aid appropriations, he did his best to trim the suet out of our overseas spending program. Now "Terrible OTTO" is getting an occasional helping hand from liberals who used to consider him a reactionary wretch. Senators FULBRIGHT and MORSE, for example, have come to look with jaundiced eyes on loans and gifts which might, ultimately, involve us in wars to save our beneficiaries.

"Terrible OTTO's" latest batch of figures from the foreign aid spending front is enough to make anyone's hair curl. The request for new foreign aid funds this year are supposed to stop at a "mere" $3.38 billion. But the watchful Representative PASSMAN, after taking an x-ray eye trip through the budget, has discovered that the actual 1966 foreign aid requests add up to a total of $9.16 billion. The sums, which do not include the military assistance program for South Viet Nam, are spread out in fifteen separate budget items presented to Congress up to August 16.

Mr. PASSMAN arrives at what he calls his "fantastic, frightening, factual" figure by including $2.5 billion in long-term credits for the export-import bank, $1.6 billion for agricultural commodity giveaways and a wide scattering of millions for the Peace Corps, contributions to the international organizations and whatever. By the expedient device of calling two-thirds of our foreign aid appropriations by other names, the White House lulls suspicious taxpayers to sleep.

A $9 billion outlay to help other folks out of trouble might be justified if we weren't in inflationary trouble ourselves. But the 1966 program, according to Representative PASSMAN's researches, is only the visible tip of the iceberg. Looking at the still unspent funds appropriated in previous years, Mr. PASSMAN discovers that there is a grand total of $16.9 billion still in the pipelines. The ordinary unliquidated "foreign assistance requests" total $6.75 billion—which, with the $3.38 billion requests coming before PASSMAN's committee for 1966, means that the present foreign aid program could run for some three years without much additional help from Congress.

A billion dollars worth of agricultural commodities are holding over from 1965. The export-import bank has unused funds totaling $5.8 billion. And the Peace Corps has some money left in its till. The whole business would be much worse in terms of unspent money if Congress hadn't sliced White House demands for foreign aid money by $8 billion in ten years.

Taking the $9 billion for 1966 and the $16.9 billion in unliquidated funds that are still waiting to be spread around, our give-away artists can count on some $26 billion to play with. If only a portion of this money could be shifted to slum rehabilitation and to the operation headstart type of educational programs, the Rev. Dr. Luther King might be persuaded to think better of our commitment to keep Communists from overrunning Southeast Asia.

Just to bring the meaning of $26 billion home to the American working force of 70 million people, it comes to more than $370 per worker. This is quite a gouge. In 1965 personal income taxes were $52 billion, which is just double what the wardens of foreign aid will probably have in hand to spend in the near future.

I am not one to say that foreign aid is a total waste. But when earnest members of the League of Women Voters, for example, attack PASSMAN, FULBRIGHT, and MORSE for wanting to "ruin" the even application of foreign aid funds to projects that go beyond fiscal 1967, the probability is that they have never heard of the $16.9 billion that is waiting to be spent. If Congress itself doesn't know what is going on, how can the people? As OTTO PASSMAN phrases it, "Foreign aid has been so fragmentized and so enmeshed into the budget" that "it is difficult for members of Congress to unscramble it . . . Congress would do well to permit the proper committees to bring it back under control . . . It should stop yielding its prerogatives to inexperienced, bureaucratic spenders who have limited knowledge as to what the dissipation of our nation's wealth is doing to our economy, our monetary system, and our free world markets."

PROFITEERING AT THE EXPENSE OF THE POVERTY STRICKEN

Mr. DOMINICK. Mr. President, it has been reported within the last 2 days that the national chairman of the Democratic Party, Mr. John M. Bailey, who also serves as the Democratic State chairman in Connecticut, is one of the

"slum landlords" making a profit out of the poor.

I find this particularly shocking in view of the fact that the President has very recently deplored the conditions which enable "some people to line their pockets with the tattered dollars of the poor." According to the reports, Mr. Bailey's ownership of slum property goes back at least 10 years and the chairman of the Hartford City Council's Housing Committee says, "It looks like the set of a 1920 gangster movie."

It has been my contention for some time that the most effective way to encourage slum landlords to clean up their slum property is to publicize their names so the weight of public opinion will be brought to bear upon them. I have introduced legislation (S. 2419) to bring this about and it has been languishing in the Democratically controlled Housing Subcommittee of the Senate Committee on Banking and Currency.

There has been no sign lately to indicate it will never be considered. It will be interested to see whether the disclosure of Mr. Bailey's profiteering at the expense of the poverty stricken will be changed by spotlighting it, and whether the Democrats are truly interested in solving the slum landlord conditions. At the moment it appears as though the Democrats are playing both ends against the middle when they talk about helping the poor slum dweller.

Mr. President, I ask unanimous consent to have inserted into the CONGRESSIONAL RECORD the Republican congressional campaign committee's newsletter article of August 29 on these disclosures, and the photostated copies of correspondence and records which substantiate the charges against Mr. Bailey as a slum landlord.

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

IS "PROFIT OUT OF POVERTY" MORE THAN A SLOGAN FOR DEMOCRATIC CHAIRMAN BAILEY?

It is shameful that some urban problems continue to exist and "none is more shameful than conditions which permit some people to line their pockets with the tattered dollars of the poor. We must take the profit out of poverty."—President Johnson, Aug. 19, 1966, Syracuse, N.Y.

Whether or not President Johnson intended to embarrass his Party's national chairman, he struck awfully close to home in his remarks while campaigning through the northeastern part of the U.S. last week.

For John M. Bailey, Democratic national chairman who also serves as Connecticut's State Party chairman, has owned slum property in Hartford for many years—property which for at least 10 years has violated health, fire and safety regulations—and which currently is slated for purchase by the Hartford Redevelopment Agency as part of the Charter Oak slum clearance project.

Commenting on the Bailey property, Theodore J. DiLorenzo, chairman of the City Council's Housing Committee, told the *Newsletter* last week: "It looks like the set of a 1920 gangster movie."

A recent report on Bailey's property, prepared under DiLorenzo's direction, stated: "There is clear evidence from official city documents and from photographs of long-standing conditions of rotted porch timbers, lack of structural supports, unprotected cellar window openings subject to rat infestation, actual roach infestation, crumbling walls, peeling paint, amateur wiring, inadequate plumbing and countless other violations of the housing code."

Was favoritism shown to Chairman Bailey?

The same report pointed out that other owners had been found guilty of building code violations involving similar conditions—citing, for example, one property owner who was convicted by Police Court Judge Joseph J. Fauliso, a former Bailey law partner whom the national chairman is backing for the Connecticut Senate.

The report pointedly notes:

"The Director of Housing Code Enforcement blandly states that emergency code violations on Mr. Bailey's properties have always been taken care of, and Mr. Bailey says he has 'never seen or talked to anybody in the city regarding this report' and that he has complied promptly with any orders issued by the city. Yet, official city records are filled with notations of violations and repeated notices to Mr. Bailey dating back to 1956 of the same violations."

From the DiLorenzo report and other sources in Hartford, the *Newsletter* has learned the following about the Democratic chairman's slum holdings:

On December 3, 1956, city housing officials wrote Bailey regarding violations at his houses numbered 99 through 103 on Sheldon Street, citing the need for "hand basins, additional electrical outlets and that the ceiling was broken and falling."

A report dated October 18, 1965, nearly nine years later discussing the same property, cites the need for hand basins, additional electrical outlets and that plaster was scaling and had deteriorated throughout the building.

On May 27, 1957, Bailey was advised of multiple violations including paint peeling from the ceilings, insufficient electrical outlets and no hot water plumbing at his property at 93–95 Sheldon Street.

Five years later, on October 8, 1962, city files show a report on the same property which states: "Building has continued to deteriorate beyond the conditions reported in May of 1957. The same violations exist with no change whatsoever . . . plus the broken and messy plaster from ceilings and walls throughout the hallways." A note at the bottom of the report added: "Conditions worse than ever!"

Commenting on these conditions, DiLorenzo asks: "Why have repeated wrongs gone unanswered? Why has there been no enforcement of the code in Mr. Bailey's case? Why have admitted violations gone unprosecuted? And why have these obvious, long-standing and flagrant violations . . . been dismissed so lightly by city officials?"

DiLorenzo answers the question himself: "Despite his (Bailey's) interests on the national level, he maintains iron control over the Democratic party bosses in Hartford. . . ."

Since 1956, the Bailey-owned tenements on Sheldon Street as well as similar property he owns on South Prospect Street were the subject of more than 30 complaints for building code violations.

When the area was designated as an urban renewal project, there were 16 families living in Bailey's buildings and the city put out an order that the cold-water flats were not to be reoccupied once a tenant moved out. The last tenant moved in June—and the buildings have now been closed and secured.

The Democratic chairman's deteriorating tenements recalls the tumbledown shacks which were discovered in 1964 on Mrs. Lyndon B. Johnson's property in Alabama. The tenants were Negroes who, although very poor, paid the First Lady a nominal rent for shacks with cracks in the flooring, leaky roofs, broken wood-burning cook stoves, and no toilet facilities. Eleven persons lived in one of the shacks.

Although Bailey's buildings in Hartford will eventually be demolished, the chairman's slum ownership raises at least one interesting—but unanswered—question: Was President Johnson, who declared rather pointedly that "we must take the profit out of poverty," referring to his Party's national chairman who has presumably made a profit so far out of his tenements and is expected to make an even more handsome one once they are sold to the urban renewal agency?

Councilman Theodore J. DiLorenzo, Chairman of the Council's Housing Committee, today charged that "Boss John M. Bailey, Democratic State and National Chairman, who owns tenements on Sheldon and South Prospect Streets in Hartford, has ignored warnings by the Housing Department of flagrant violations of the Housing Code which seriously endangers the health and safety of more than 19 families, since 1956; and in sharp contrast to other landlords, who are without political power, no prosecution has been commenced against him.

"There is clear evidence from official city documents and from photographs, of long standing conditions of rotted porch timbers, lack of structural supports, unprotected cellar window openings subject to rat infestation, actual roach infestation, crumbling walls, peeling paint, amateur wiring, inadequate plumbing, and countless other violations for which other landlords have been warned and even prosecuted; but John Bailey has gone scot free.

"This should serve as a clear warning to the people of Hartford that control of a city by a boss ruled political machine can result in favoritism that can hurt the health and safety of people; that this is a perfect example of why one sided government is bad.

"I feel it is my duty to bring these facts to the attention of Hartford citizens as a warning of the penalties a city pays when its government is controlled so completely and for so long by one political party; especially where public health and human life is involved, a city cannot permit any one or any group to turn their backs on city authorities."

STATEMENT FROM COUNCILMAN THEODORE J. DILORENZO

Councilman Theodore J. DiLorenzo charged today that "statements made by city officials, in an effort to excuse the shocking conditions and housing code violations on Boss John M. Bailey's Sheldon and South Prospect Street tenements, amount to a whitewash of their own failure to enforce the code and crack down on these violations. This is further evidence of favoritism to a political boss whose power and influence in city affairs has grown to dangerous proportions.

"These officials have admitted the code violations, but minimized their seriousness. Certainly failure to guard against roach infestation and allowing porch timbers, on porches that are 2 stories high, to become rotted, endangers the health and safety of tenants. An official housing code enforcement report dated as recently as October 18, 1965, less than two weeks ago, states that 'rear porches need repair; columns and carrying beams rotted.' A memorandum from the Chief of the Bureau of Housing Code Enforcement dated last week, October 21, 1965, states: 'the properties are extremely old and do require extensive rehabilitation in order to retain livable standards', and yet these officials now say that violations are not serious enough to require evacuation of the tenants. If these violations are not serious, then why did the Director of Licenses and Inspectors tell reporters yesterday that he 'will issue an order prohibiting further use of the porches' and why must charges be made before action is promised to correct this unsafe condition, already noted in the

city's own previous inspection reports? Why has the city prohibited re-occupancy of the apartments already vacated? If they are dangerous and unlivable, they should all be vacated unless housing code violations are corrected. There are still 30 people living there, whose lives are at stake, particularly in view of the fact that, as the City Health Director stated, 'some of the remaining tenants are old or infirm', and their health and welfare continues to be in danger regardless of future redevelopment plans for the area.

"These shocking and dangerous conditions are open and obvious. I ask the people to judge for themselves. I ask the people to view the property and judge for themselves whether people are living there in dangerous and unsanitary conditions.

"The Director of Housing Code Enforcement blandly states that emergency code violations on Mr. Bailey's properties have always been taken care of, and Mr. Bailey says he has 'never seen or talked to anybody in the city regarding this report', and that he has complied promptly with any orders issued by the city. Yet, official city records are filled with notations of violations and repeated notices to Mr. Bailey dating back to 1956 of the same violations. The records show reports which reflect that the same violations have continued to exist for years without corrective measures.

"On December 3, 1956, a letter was sent to Mr. Bailey regarding violations at 99–103 Sheldon Street citing the need for 'hand basins, additional electrical outlets and that the ceiling was broken and falling'. A report dated October 18, 1965, relative to the same property cites the need for 'hand basins, additional electrical outlets and that plaster scaling and deteriorated throughout the building.'

"On May 27, 1957, Mr. Bailey was advised of multiple violations including paint peeling from the ceilings, insufficient electrical outlets and no hot water plumbing on 93–95 Sheldon Street. The files show a report dated October 8, 1962, more than 5 years later, which states, 'See Inspection Report of May 16, 1957 and letter to owner dated May 27, 1957.' Building has continued to deteriorate beyond the conditions reported in May of 1957. The same violations exist with no change whatsoever in the correction of these violations plus the broken and messy plaster from ceilings and walls throughout the hallways. To: JCP for Action! Conditions worse than ever! A report dated October 18, 1965, 8 years later includes, 'no hot water plumbing, additional electrical outlets required, plaster scaling and deteriorated throughout building.'

"The records are filled with similar comparisons and notations; and responsible officials now use impending redevelopment as an excuse. These violations go back to 1957, more than 8 years!

"Many questions remain unanswered. Why have repeated wrongs gone unheeded? Why has there been no enforcement of the code in Mr. Bailey's case? Why have admitted violations gone unprosecuted? And why have these obvious, long standing and flagrant violations which endanger human health and safety been dismissed so lightly by city officials? It is clear that the power and influence of Mr. Bailey, whether direct or indirect, express or implied, has reached into Hartford's city government with the resulting favoritism that has permitted him to escape prosecution for Housing Code violations and slum conditions and to attempt to cover up their own failure to enforce the law properly.

"Despite his interests on the National level, he maintains iron control over the Democratic party bosses in Hartford and the Democratic Councilmen. This is obvious from his recent efforts to hand pick the next Mayor of Hartford. It is crystal clear from this shocking display of raw power and favoritism that one sided government is bad for the City, bad for the people whose problems, including slum housing such as that owned by Mr. Bailey, go unsolved. The danger to the city of continued political dominance by a party controlled by such a powerful political boss can be clearly demonstrated by the answer to a simple question: Would any of the Democratic Councilmen have dared to expose the favoritism given to Mr. Bailey as I have done?"

NOVEMBER 5, 1956.

Mr. JOHN M. BAILEY,
Hartford, Conn.

DEAR MR. BAILEY: A recent inspection of electrical wiring at property known as No. 77–79–81–83 Sheldon Street, recorded as owned by you, disclosed cord wiring throughout all houses, no plug outlets and defective fixtures with some missing.

In view of the fact that the above conditions create a serious fire hazard, corrections must be made by a licensed electrician and this department notified on or before November 15, 1956 as to what action you have taken in this matter.

Very truly yours,

JOHN P. O'DONNELL,
Assistant Electrical Inspector.

NOVEMBER 26, 1956.

Re 93–95 Sheldon Street.
MRS. HELEN MOONEY,
Hartford, Conn.

DEAR MRS. MOONEY: Upon receipt of complaint from the Housing Division, an inspection of the above property, recorded as owned by you, disclosed the following conditions in need of immediate attention.

Insufficient plugs, defective fixtures, overloaded circuits, with improper fuses, and extensive cord wiring throughout the building.

You are hereby notified to cause the above items to be properly corrected on or before December 6, 1956, and to secure the necessary permits required from this office.

Very truly yours,

JOHN P. O'DONNELL,
Assistant Electrical Inspector.

NOVEMBER 30, 1956.

Re. 77–79–81–83 Sheldon Street
Mr. JOHN M. BAILEY,
Hartford, Conn.

DEAR SIR: A recent inspection of the above property owned by you disclosed violations of the Housing Code. The following violations were noted:

1. 2nd floor left dwelling unit, needs a hand basin, a tub or shower, hot water heating facilities, hot water plumbing, only one electrical outlet in two rooms, paint is peeling from the kitchen ceiling.

2. 2nd floor right dwelling unit, no hand basin, no tub or shower, only one electrical outlet in two rooms, no hot water heating facilities, no hot water plumbing, paint is peeling from all the ceilings in the apartment.

3. 3rd floor left dwelling unit, needs a hand basin, hot water heating facilities, hot water plumbing, a tub or shower, there is inadequate water pressure, and only one electrical outlet per room, paint is peeling from the bedroom ceiling.

4. 3rd floor right dwelling unit, needs a hand basin, tub or shower, hot water heating facilities, hot water plumbing, there is inadequate water pressure, only one electrical outlet per room in two of the rooms, paint is peeling from all of the ceilings in the apartment.

5. The dwelling is badly roach infested.

6. Back and front hallways, paint is peeling from the walls and ceilings very badly, and some parts of the hallway ceilings and walls are missing.

You are hereby advised to give the above violations your immediate attention. Kindly report to this office not later than December 17, 1956 what your schedule of corrections for the above is going to be.

Further be advised that you must obtain electrical and plumbing permits from the Building Department before any corrective work is started.

Yours truly,

JOHN C. POTKAY,
Chief of Housing.

DECEMBER 3, 1956.

Re 99–101–103 Sheldon Street
Mr. JOHN BAILEY,
Hartford, Conn.

DEAR SIR: A recent inspection of the above property owned by you disclosed violations of the Housing Code. The following violations were noted:

1. 2nd fl. right dwelling unit—needs a hand basin and only one electrical outlet in two rooms.

2. 2nd fl. left dwelling unit—no hand basin, no hot water facilities, and no hot water plumbing. Only one electrical outlet in two rooms.

3. 3rd fl. right dwelling unit—no hand basin, only one electrical outlet in two rooms, no hot water facilities, or hot water plumbing.

4. 3rd fl. left dwelling unit—needs a hand basin, needs hot water facilities and hot water plumbing, and only one electrical outlet in two rooms.

5. Front hallway—ceiling on the 3rd floor broken and falling. Ceiling on the 1st floor, part of it is missing.

6. The whole structure is badly roach infested.

You are hereby advised to give the above violations your immediate attention.

Kindly report to this office not later than January 17th what your schedule for the above violations is going to be. Further, be advised that you must obtain plumbing and electrical permits from the Building Department before you start any corrective work.

Yours truly,

JOHN C. POTKAY,
Chief of Housing.

MAY 27, 1957.

Re 93–95 Sheldon Street
Mr. BAILEY (Est.)
Hartford, Conn.

DEAR SIR: A recent inspection of the above property owned by you disclosed violations of the Housing Code. The following violations were noted:

1. 2nd floor-front-right—no hot water plumbing or facilities. No hand basin, tub or shower in bathroom, only one electrical outlet in two rooms, paint peeling from ceilings throughout apartment.

2. 2nd floor-rear-right—No hot water plumbing or facilities. No hand basin, tub or shower in bathroom, broken and falling ceiling in bathroom, only one electrical outlet in two rooms.

3. 3rd floor-rear-right—No hand basin, tub or shower in bathroom, only one electrical outlet in two rooms, paint peeling from ceilings throughout apartment, no hot water plumbing or facilities.

4. 3rd floor-front-right—No hand basin, tub or shower in bathroom, paint peeling from ceilings throughout apartment, no hot water plumbing, only one electrical outlet in two rooms.

5. 2nd floor-front-left—Broken and falling ceiling in kitchen, paint peeling from ceiling throughout apartment, no hand basin, tub or shower in bathroom, only one electrical outlet in two rooms, no hot water plumbing or facilities.

6. 3rd floor-front-left—No hand basin, tub or shower, only one electrical outlet in two rooms, no hot water or plumbing, paint peeling from ceilings throughout apartment.

7. 2nd floor-rear-left—No hot water plumbing or facilities, no hand basin or shower, only one electrical outlet in two rooms, paint peeling from ceilings throughout apartment.

8. 3rd floor-rear-left—Only one electrical outlet in two rooms, paint peeling from ceilings, no hot water or plumbing, no shower, tub or hand basin in bathroom.

9. Hallways—Peeling paint throughout, broken walls and ceilings.

10. Building—Broken windows throughout building, cellar windows are broken, provides rat harbor area in cellar.

You are hereby advised to give the above violations your immediate attention. Further, be advised that you must obtain electrical and plumbing permits from the Building Department before any work is started.

Kindly report to this office by June 17th, what your schedule or correction for the above violations is going to be.

Yours truly,

JOHN C. POTKAY,
Chief of Housing.

TRUMAN STATEMENT ON INTEREST RATES

Mr. HARTKE. Mr. President, the statement on interest rates by former President Harry S. Truman has received wide attention and helped to focus the problem of high interest rates about which several of us have spoken here in the past few weeks.

President Truman's statement is an unusual expression from one of our truly great national leaders who, in his own words, rarely takes up his pen to comment on such questions of national policy. It is all the more important, therefore, that the exact text of Mr. Truman's careful expression should be recorded in the CONGRESSIONAL RECORD. I ask unanimous consent that this may be done.

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

[From the New York Times, Aug. 29, 1966]

TEXT OF STATEMENT BY TRUMAN ON INCREASE IN INTEREST RATES

KANSAS CITY, MO., Aug. 28.—*Following is the text of a statement today by former President Harry S. Truman:*

"In response to the many kind and warm messages, expressing concern about my recent illness, I am glad to report that I am making satisfactory progress and expect that in the coming weeks I shall be able to resume my daily office routine.

"In the meantime, I have tried to keep up with the news of the world, as best I could. There was little comfort for me in what I read.

"There is a matter about which I am so deeply concerned that I feel it has become necessary for me to speak out.

"A drastic increase in interest rates has been imposed on the American economy. A warning is current that higher rates are yet to come. We are told that this action was necessary in order to forestall inflation.

"Of course, no one wants runaway inflation. But, I think it is fair to say that that kind of inflation is no longer possible in the United States.

"What is more likely to happen is that we will bring on a precipitous deflation, if we persist in high interest practices. The result could be a serious depression.

"These higher interest rates were in fact an added burden on all governments—Federal, state and local. The added interest costs end up as a further tax on the consumer.

"We know from long experience that a drastic rise in interest rates works a hardship on the consuming public. It only benefits the privileged few.

"We have had problems with the nation's money management through many critical periods of our history. Measures had to be taken by the Government to correct recurring abuses.

"The nation's monetary structure was reorganized to be administered in the public interest through the Federal Reserve System. I am led to ask: 'Is it being so administered now? Is it in the true sense a Federal system?'

"During my Administration, we faced a similar threat of an arbitrary raise in the rates of interest. This was at the time of the Korean conflict.

"I received notice of an impending move to confront the Government with a demand for higher interest rates of Treasury Bond issues, as well as certain other restrictive conditions, to be imposed by the Federal Reserve on the Treasury.

"This would have meant an imposition of an additional nonproductive tax burden on the public—and we rejected it. The Government prevailed.

"I rarely, these days, take up my pen to make comment on matters which I am confident are receiving the concern and attention of the Administration. But I thought that this was a matter which had reached a point where it became necessary for me to speak. There is yet time to remedy the situation."

THE COLORADO RIVER PROJECT

Mr. MOSS. Mr. President, I very much regret that I was not on the Senate floor on Tuesday, August 23, at the time when the junior Senator from Arizona [Mr. FANNIN] made his masterful speech on the Colorado River project. It was a most convincing and eloquent speech.

Arizona has my complete sympathy and support in its fight to make use of its rightful share of the Colorado River waters. As Senator FANNIN put it so well—to the people of Arizona there is no other river—their salvation lies in the Colorado.

Perhaps I understand better the mounting anguish of these people as the attacks upon their project increase in deceit and decibel because the Colorado is Utah's river, too, and we know that our salvation depends upon getting our projects—such as Central Utah—constructed and in operation. We cannot make our projects going concerns either without the aid of Colorado River dams. Whether or not Utah and Arizona continue to grow, or whether we have reached our zenith, and can only regress in the future, depends greatly on how well we develop our water resources from here on out.

The Colorado has been an embattled river almost from the beginning. It traverses a thirsty and arid sweep of the country in its upper reaches, and descends, in its lower flow into what is probably the most water-hungry area of the entire country—an area made desperate by a population explosion as great as that in any part of the Nation. A lively scramble for the water of the Colorado between Arizona and southern California has been as inevitable, I suppose, as were the fights for water holes in the Old West, or the competition for available slices of good range between the cattlemen and the sheepmen.

But, the water battle between those two States has been far more protracted and more bitter than anyone expected. Twice—once in 1950 and again in 1951—the U.S. Senate passed a bill to authorize the Central Arizona project, which is the keystone of the present Colorado River project, only to have the bill die in the House. Then California challenged the validity of Arizona's rights to certain waters of the Colorado, and it took more than 10 years to settle the dispute. A decision of the U.S. Supreme Court in 1963 laid to rest for all time the doubts about Arizona's claim.

Now, 3 years after that Supreme Court decision, and more than 15 years after the central Arizona project was defeated in the House Interior Committee, we again have before the Congress a bill to allow Arizona to make use of her share of the Colorado River waters in the manner in which she feels would be most beneficial to the State and to her people.

And what has happened? Now has come opposition to the water project from an entirely new source—some of the Nation's conservationists. The shrillest of the critics has been the distinguished Sierra Club, which, I am sorry to say, has so overstated the case against the Bridge and Marble Canyon Dams that many otherwise sensible people in this country are convinced that the Bridge Canyon Dam would flood Grand Canyon National Park from rim to rim, inundating its massive and magnificent scenery and robbing it of its glory and grandeur, and that Marble Canyon Dam would destroy forever the regimen of much of the rest of the river.

I can understand why the people of Arizona feel that this new campaign against their project is the final indignity. For 15 years they have stood patiently by waiting for the legal hurdles to be cleared, watching, at the same time, while other States develop their projects, and put the river's waters to work for them.

The new attack could hardly have been anticipated. In the first place, Bridge Canyon Dam—now called Hulapai—was included in the legislation considered 15 years ago, and no one considered it a menace at that time. Also, since then, Glen Canyon Dam has been constructed on the Colorado River considerably above either Marble or Bridge Canyon Dam, and the waters of Lake Powell back of the dam have spread out into myriads of small previously arid and dry canyons to turn the entire area into one of the loveliest and most enchanting of the country. Where the beauties of this area were seen annually by only a handful of people in the past, and then after a rugged trip by raft down a narrow river, they are now enjoyed by thousands.

I can personally attest to the grandeur, beauty, and magnificence of the Lake Powell area. Nearly all of it lies in my State and I was well acquainted with it before the reservoir filled. And I have visited it many times since. There can be no question that it is far more attractive now than it was, and offers more recreation and more spiritual enrichment than it did before the dam was built.

Lake Powell has opened up a whole new world. Where before it was only possible to see most of the towering buttes and winding canyons from a distance as one floated down the river, low in the gorge, now, it is easy to ride in a boat over crystal clear waters right up to the sheer cliffs and walls and back into the myriads of small canyons. One can get out of the boat and hike to the top of a butte for an inspiring view, or proceed back into canyons which may never have been seen by white men before.

There are Indian dwellings which can be visited after only a short hike, and small waterfalls which come over the edge of the bluffs heretofore hidden from view. The reflection of the cliffs and buttes in the lake is a never-to-be-forgotten sight—it is hard to tell where the land ends and the water begins.

Now, I know there are those who feel this beauty should be seen only by those who are strong enough and hardy enough to run the river, or to pack-trip into the area, and camp and then hike for hours to see each view. I have seen the area this way, too, and I know the spiritual peace which comes with solitude, and the satisfaction of being miles away from civilization and its irritations. But I am not sure that those of us who are in a position to see scenery this way have the right to shut it all off from others simply so we can enjoy it ourselves. Particularly is this the case when the scenery is opened up through an undertaking which develops our water and other natural resources in a way which is to the greatest benefit of all.

I am thoroughly convinced the construction of both the Bridge and Marble Canyon Dams will result in as valuable a recreation and beauty bonus for the people of America as has the construction of Glen Canyon Dam. Bridge Canyon Dam would be located some 80 miles downstream from the western boundary of Grand Canyon National Park, and Marble Canyon Dam would be well above the eastern boundary.

Most of the water which Bridge Canyon Dam would back up would not reach into the Grand Canyon National Park itself. Only the final 13 miles, ranging from a depth of 90 feet to zero, would be adjacent to the park. At this point the gorge is a mile deep—the elevation of water would not "submerge" it, or "flood" it, or "inundate" it, to use the favorite words of the conservationists. All that would happen is that a very rough stretch of water in the southernmost tip of Grand Canyon National Park which is now so treacherous that only a few dare run it, would be stilled to the extent that a boat could be piloted on it with safety, and many, many more people could look up at the towering walls of the canyon and enjoy this now remote area.

With all due respect to the conservationists, whose philosophy and goals I generally applaud, and for which I have fought many legislative battles, I cannot see that such an "intrusion" of water, as they call it, into Grand Canyon from Bridge Canyon Dam would ruin the park, or even change it materially.

The additional water could not even be seen from either the north or south rim of the canyon within the national park.

It occurs to me that one way to deal with the hysteria aroused by the misrepresentations about the two dams would be to prepare and display as widely as possible two bas-relief models of the Grand Canyon area which would be affected. The first should show the canyon as it now is, with the water running through it at average heights. The second model should show the Grand Canyon area as it would be, with the Bridge Canyon Dam backing water back up at anticipated levels, and with little fingers of water flowing back into now dry side canyons. This would demonstrate how infinitesimal the changes made by the dam would really be—how little the canyon would be altered in any way.

The second model should also show the location of Marble Canyon Dam, some miles above the park itself, and the new recreation area, similar to Lake Powell recreation area which would be opened up.

These two models would put the changes in perspective, and would end, I am sure, much of the concern over the Colorado River project.

The truth of the matter is that both Bridge and Marble Canyon Dams would enhance the beauty of the areas in which they would be located, and would increase recreational opportunities for the American people. Between the two dams would be over a hundred miles of unobstructed free flowing river—enough for those who wish to enjoy nature far from centers of civilization, and even from other out-door lovers, without fear of violation of their solitude.

The Colorado River project offers a clear case of where we can develop our water resources in a way which will be in the best interest of all—more water for a rapidly growing area of the country, and enhanced scenery and recreational opportunities for all of us.

MERCHANT SHIP REPLACEMENT PLAN REDUCED EVEN FURTHER

Mr. BREWSTER. Mr. President, on August 22, an article appeared in the Baltimore Sun that caused me considerable alarm. The article said that the administration is admitting privately that budget appropriations for building new merchant ships in fiscal year 1967 have been diminished to provide for only nine vessels.

This significant piece of information was reported by Helen Delich Bentley, who has built up a distinguished reputation as maritime editor of the Sun.

Mrs. Bentley points out that last January, the Maritime Administration announced that 13 ships would be forthcoming. Even this figure was considered perilously low now that American-flag ships are in such short supply to sustain the Vietnam war effort.

The news that only 9 new ships will be provided for in the 1967 budget is especially shocking when we consider that this country is 90 ships behind in its shipbuilding schedule.

Mr. President, I ask unanimous consent that Mrs. Bentley's article be printed in the RECORD.

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

NEW VESSELS' BUDGET DOWN TO BUT NINE—WILL BE LEAST UNDER REPLACEMENT PLAN SINCE 1958

(By Helen Delich Bentley, Maritime Editor of the Sun)

CHICAGO, August 21.—Budget appropriations for new merchant ship construction for fiscal 1967 have "washed away" to nine vessels even before the first contract has been let, Administration forces are admitting privately.

This will be the smallest number of ships ever constructed under the nation's ship replacement program since it got fully under way in 1958.

When the budget was disclosed last January, the Maritime Administration stated that 13 ships would be forthcoming from the $85,000,000 appropriated plus the juggling of some other funds.

Even that 13 figure was severely criticized because it was so small in a time of emergency when American-flag ships are in short supply to keep war materiel flowing to Vietnam and maintain this nation's commercial operations on a somewhat regular schedule.

PREVIOUS LOWS NOTED

Too, it was noted then that only in two previous instances—1960 and 1962—has the number of vessels to be built under the replacement program in the American merchant marine dropped as low as thirteen.

The replacement program is said to be more than 100 ships behind contract schedule, all due to budgetary cutbacks.

Uncle Sam pays the differential subsidy on new ship construction, which amounts to the difference in cost between building vessels in foreign yards and in the higher-priced United States yards. The differential paid out could be as much as 55 per cent.

New ships today are running between $16,000,000 and $17,500,000. Each vessel is larger and more sophisticated than the one she is replacing.

The initial request for new ship construction for fiscal 1967 was 25 ships by the then maritime administrator, Nicholas Johnson. The Secretary of Commerce, under whose jurisdiction the Maritime Administration functions, cut the number down to 17 when his department's budget was slashed $100,000,000 to provide more money for Vietnam.

The next hatchet-job was applied by the Bureau of the Budget, which eliminated four more vessels, bringing the number down to 13 "with qualifications."

NOMINATION OF THOMAS S. FRANCIS TO BE FEDERAL COCHAIRMAN OF THE UPPER GREAT LAKES REGIONAL COMMISSION

Mr. SPARKMAN. Mr. President, I rise today to express my pleasure at the nomination of Thomas S. Francis as Federal Cochairman of the Upper Great Lakes Regional Commission. I hope his confirmation will be forthcoming.

This appointment represents official recognition by the Government of the tremendous work in economic development that has been done by Mr. Francis.

He is to be congratulated for having been chosen. And the administration is to be commended for having chosen a

proven professional in the field of economic development.

The wide background that Mr. Francis brings to this job makes him well qualified for the task at hand.

He is an educator, having taught on the high-school, college, and graduate-school levels.

He has served as an economic consultant to the Ford, Carnegie, and Rockefeller Foundations.

He is one of the men who helped establish the Area Redevelopment Administration.

He was selected to establish and direct the industrial modernization program within the Department of Commerce.

But it has been in his capacity as Director, Office of Development Companies, for the Small Business Administration that I know best the contribution he has made to economic development. As chairman of the Senate Select Committee on Small Business, I know that Tom Francis has brought new direction and purpose to the economic development loan programs.

When he became Director of the Office of Development Companies, the 502 loan program was relatively inactive, having made only 50 loans a year in the first 5½ years of its existence. Under Mr. Francis' direction, the program has reached a level in excess of 300 loans a year.

When Mr. Francis became Director, the 502 loan program had been used by communities in about one-half the States. Today, more than 1,000 communities in every State but 2 have received assistance for plant construction which has created over 44,000 new jobs.

And all of this has been accomplished in 2½ years.

I sometimes believe that talent is so prevalent in the Federal service that we tend to accept as normal that which is exceptional. Mr. Francis is a young man of great talent and ability, both of which have been proved in his professional career.

It speaks well for Mr. Francis, for the administration, and for the procedure of Federal service, that this case is one where the right man has met the right job at the right time.

The beneficiaries will be all of the citizens of the upper Great Lakes region.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. BURDICK in the chair). Is there further morning business? If not, morning business is concluded.

FOOD FOR PEACE ACT OF 1966

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Chair lay before the Senate the unfinished business.

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

The LEGISLATIVE CLERK. A bill (H.R. 14929) to promote international trade in agricultural commodities, to combat hunger and malnutrition, to further economic development, and for other purposes.

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

There being no objection, the Senate resumed the consideration of the bill.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 233 Leg.]

Aiken	Gruening	Montoya
Allott	Holland	Morse
Bayh	Hruska	Nelson
Burdick	Kennedy, Mass.	Pastore
Clark	Kuchel	Ribicoff
Dominick	Long, Mo.	Williams, N.J.
Ellender	Mansfield	Yarborough
Ervin	McCarthy	Young, Ohio
Fulbright	McGovern	

Mr. LONG of Louisiana. I announce that the Senator from Idaho [Mr. CHURCH], the Senator from Hawaii [Mr. INOUYE], the Senator from Ohio [Mr. LAUSCHE], the Senator from Montana [Mr. METCALF], and the Senator from South Carolina [Mr. RUSSELL], are absent on official business.

I also announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Illinois [Mr. DOUGLAS], the Senator from Tennessee [Mr. GORE], the Senator from Arizona [Mr. HAYDEN], the Senator from New Hampshire [Mr. McINTYRE], and the Senator from Maine [Mr. MUSKIE], are necessarily absent.

Mr. KUCHEL. I announce that the Senator from Utah [Mr. BENNETT] and the Senator from California [Mr. MURPHY] are absent because of illness.

The Senator from New Jersey [Mr. CASE] is absent on official business.

The Senator from Delaware [Mr. BOGGS], the Senator from Hawaii [Mr. FONG], the Senator from Idaho [Mr. JORDAN], the Senator from Kansas [Mr. PEARSON], the Senator from Pennsylvania [Mr. SCOTT], the Senator from Wyoming [Mr. SIMPSON], and the Senator from Texas [Mr. TOWER] are necessarily absent.

The PRESIDING OFFICER. A quorum is not present.

Mr. WILLIAMS of New Jersey. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

Mr. MORSE. Mr. President, I did not hear the motion.

The PRESIDING OFFICER. The motion was to direct the Sergeant at Arms to request the attendance of absentees.

The question is on agreeing to the motion of the Senator from New Jersey.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay, the following Senators entered the Chamber and answered to their names:

Anderson	Dirksen	Javits
Bass	Dodd	Jordan, N.C.
Bible	Eastland	Kennedy, N.Y.
Brewster	Fannin	Long, La.
Byrd, Va.	Griffin	Magnuson
Byrd, W. Va.	Harris	McClellan
Cannon	Hart	McGee
Carlson	Hartke	Miller
Cooper	Hickenlooper	Mondale
Cotton	Hill	Monroney
Curtis	Jackson	Morton
Moss	Robertson	Symington
Mundt	Russell, Ga.	Talmadge
Neuberger	Saltonstall	Thurmond
Pell	Smathers	Tydings
Prouty	Smith	Williams, Del.
Proxmire	Sparkman	Young, N. Dak.
Randolph	Stennis	

The PRESIDING OFFICER. A quorum is present.

Mr. FULBRIGHT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Arkansas will state it.

Mr. FULBRIGHT. What is the business now before the Senate?

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

Mr. FULBRIGHT. Mr. President, on yesterday afternoon, we discussed the pending bill and the proposed amendment at considerable length. This amendment would make the terms of the bill the same as the principal item in the regular AID bill—that is, for 1 year. The AID bill which was recently passed was for 1 year for everything except the development loans and the Alliance for Progress.

On yesterday, I gave the reasons why I think this should be 1 year, because it is sound that this kind of program should be considered by each Congress at least once. I think the first year of a Congress is preferable to the second. But, in any case, I think the whole problem of foreign aid should be considered closely next year. This bill is a radical departure from the old bill under Public Law 480—that is, the old surplus agricultural commodities disposal program.

The chairman of the Committee on Agriculture and Forestry stated yesterday that there is no longer any appreciable surplus of food. The only substantial surplus in the field of agricultural commodities is in cotton. The reports which I have read indicate that there will be a substantial decrease even in that carryover. So it is quite a different bill.

So far as I can see, it is an effort now by the Agriculture and Forestry Committee and the Department of Agriculture to institute a new aid bill. Maybe this is a good thing. I question it on several grounds, but, so far as I am concerned, I see no reason to engage in an extensive debate. I see present on the floor those who were present yesterday during the debate.

If the Senator from Louisiana is prepared to vote, I am prepared to do so also, because we are just occupying time.

Is the Senator from Louisiana prepared to vote on the amendment?

Mr. MORSE. Mr. President, I have some questions I wanted to ask about the bill, but I wanted other Senators to hear the answers of the able chairman, and I do not wish to ask them until other Senators are present. So I am about to suggest the absence of a quorum, but I do not want to do that until the Senator from Arkansas has completed his statement.

Mr. FULBRIGHT. I do not see any purpose in reiterating what has been said. Unless we are going to vote, there is a committee meeting downstairs that I would like to attend.

Mr. MORSE. Mr. President, I ask for a live quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll, and the following Senators answered to their names:

[No. 234 Leg.]

Aiken	Kennedy, N.Y.	Nelson
Allott	Kuchel	Proxmire
Bass	Long, Mo.	Ribicoff
Burdick	Long, La.	Robertson
Byrd, Va.	Magnuson	Russell, Ga.
Cannon	McCarthy	Smith
Dirksen	McGovern	Talmadge
Ellender	Mondale	Williams, N.J.
Fulbright	Monroney	Williams, Del.
Gruening	Montoya	Yarborough
Holland	Morse	Young, Ohio
Jordan, N.C.	Morton	
Kennedy, Mass.	Moss	

The PRESIDING OFFICER. A quorum is not present.

Mr. LONG of Missouri. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Missouri.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay, the following Senators entered the Chamber and answered to their names:

Anderson	Ervin	Miller
Bayh	Fannin	Mundt
Bible	Griffin	Neuberger
Brewster	Harris	Pastore
Byrd, W. Va.	Hart	Pell
Carlson	Hartke	Prouty
Clark	Hickenlooper	Randolph
Cooper	Hill	Smathers
Cotton	Hruska	Sparkman
Curtis	Jackson	Stennis
Dodd	Javits	Symington
Dominick	Mansfield	Thurmond
Eastland	McGee	Young, N. Dak.

The PRESIDING OFFICER (Mr. MONDALE in the chair). A quorum is present.

TREASURY CONCEDES JOB, WON BY McCLOSKEY, FOR MINT COULD COST TAXPAYERS $4 MILLION

Mr. WILLIAMS of Delaware. Mr. President, last week I called the attention of the Senate to the highly irregular procedure followed by the GSA in awarding to McCloskey & Co. the contract to build the Philadelphia Mint. Following that statement, the various agencies stampeded each other in an attempt to justify their action.

In today's Wall Street Journal there appears an article entitled "Treasury Concedes Job, Won by McCloskey, for Mint Could Cost Taxpayers $4 Million." I ask unanimous consent that this article be printed in the RECORD.

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

TREASURY CONCEDES JOB, WON BY McCLOSKEY, FOR MINT COULD COST TAXPAYERS $4 MILLION

(By Jerry Landauer)

WASHINGTON.—Government officials concede that the award of a $12.8 million contract to build the Philadelphia mint could cost the taxpayers at least $4 million. The contract was won by Democratic fund-raiser Matthew H. McCloskey.

In further reply to Republican accusations of favoritism to the construction company Mr. McCloskey founded, embarrassed Treasury officials also are retracting in part earlier claims to Congress that getting the new mint built fast would save scads of money.

Thus does the Government explain the paradox of how Mr. McCloskey's concern benefited both from a clamorous urgency to build and from a subsequent decision to stretch out the construction. "This time Matt's people were lucky, that's all," one official asserted. Another said Big Government's cumbersome decision-making processes compounded the luck.

Meantime the General Services Administration, the Government's contracting agency, has accepted the company's contention that strikes and snowstorms were responsible for failure to meet an April 3 deadline imposed by a separate $2.7 million contract for the mint's substructure. The GSA decision relieved the company of perhaps $300,000 in potential penalties.

BYPASSING SEALED BIDS

On the bigger contract for the superstructure, the company's streak of luck began in May when the GSA, pressed by the Treasury, bypassed normal sealed competitive bidding for urgency's sake. Officials decided that selecting the contractor through the assertedly faster method of negotiated procurement was necessary to help lick the coin shortage.

Besides, as Assistant Treasury Secretary Robert A. Wallace told a House Appropriations subcommittee on March 3, "the funds you approved for the construction of the new mint in Philadelphia will enable us to save the taxpayers approximately $1 million a month when we put these new, fully integrated facilities into operation in 1967."

Moving at full tilt in disregard of a Cabinet meeting April 1 at which President Johnson directed a slowdown in Government construction to douse inflationary fires, the GSA on May 27 invited contractors to submit proposals that would serve as a starting point for negotiations. In response on June 24, the GSA received two quotes from McCloskey & Co.: $13,227,565 to complete the job in 18 months and $17,195,834 if the work had to be compressed into 12 months. These quotes were, respectively, $447,565 and $3,384,384 higher than those submitted by a competitor, J. W. Bateson & Co., of Arlington, Va.

Despite the presumed necessity for speed, the GSA didn't start negotiations with the contractors. Instead, it waited until June 29 for Mr. McCloskey's son, Thomas, the company president, to drop by with revised proposals that undercut Bateson's. McCloskey & Co.'s new quotes lopped $545,000 from its original 18-month price. And for the 12-month period, McCloskey proposed a far bigger bargain, $4,102,269 below the first quote.

SEEMING GIANT BARGAIN

At first glance, McCloskey & Co.'s ability to chop more than $4 million from its 12-month construction proposal seemed to offer a giant bargain indeed. Completing the mint in a year would cost the Government just $411,000 more than if 18 months were allowed, the revised McCloskey proposals stated. Matched against Assistant Secretary Wallace's $1-million-a-month estimate of savings, the somewhat higher cost of compressing the construction timetable seemed trivial; by getting the mint in operation quickly, taxpayers could save $5.6 million—if the estimate given Congress was accurate.

Mr. Wallace's testimony, Treasury officials say, was based on presumably careful calculations compiled under the direction of Eva Adams, director of the Mint. By her estimate, operating the new Philadelphia facility would be $125,000 a month more efficient than the old. In addition, the new mint would save from $750,000 to $1,181,000 every month (depending on the rate of coin production) by melting, rolling and casting coin strip; the old mint buys strip from contractors at higher cost. Even at the lower rate, the six-month saving comes to $4.5 million, or $4.1 million net if the total is reduced by the higher cost of compressing construction.

Yet when decision day for awarding the contract arrived on June 29 the Treasury ignored the claims Miss Adams had pressed on Congress to help extract construction appropriations. Treasury Under Secretary Joseph Barr declined the McCloskey 12-month bargain, in part, the Treasury says, "because he didn't believe previous estimates of savings given by the mint were correct." Instead, Mr. Barr recommended and the GSA awarded McCloskey & Co. an 18-month contract for $12,682,565, just $97,000 below the losing quote submitted by Bateson & Co.

One reason given for the change was the rapid disappearance of the coin shortage, which reduced projected estimates of coin production. And, as an aide explains, "she (Miss Adams) got carried away. She's a promoter, you understand. Her heart and soul is in this new mint."

President Johnson's April request to stretch out Government construction was another factor prompting Mr. Barr to rein in the GSA's pell-mell rush to get the mint built, though that rush was still deemed sufficient in May to justify the negotiated procurement by which McCloskey & Co. won the construction contract.

Mr. WILLIAMS of Delaware. I say that it is time that the GSA revised its bidding procedures. There is no excuse for the manner in which this particular contract was handled. Why was Mr. McCloskey excused from the $300,000 penalty for delayed completion of the substructure contract on this same building?

This type of favoritism is costing our taxpayers millions.

HOWARD K. SMITH TELLS WHY UNITED STATES MUST NOT LOSE IN VIETNAM

Mr. PROXMIRE. Mr. President, too little has been said about why we simply cannot afford to lose in Vietnam. And too little has been said about what a long, tough, grueling, and painful war this is likely to be before it ends.

This Vietnam war is going to last for years. It will cost the lives of thousands of Americans and billions of dollars, and that cannot be said often enough. The sooner the American people fully recognize the painful cost of this war, and the sooner the North Vietnamese know that they recognize it, and the necessity for this heavy sacrifice the more likely it will be that North Vietnam will agree to consider the beginning of negotiation.

It is also necessary that the American people realize that we are not going to win any smashing American victory. Indeed the majority leader spoke wisely yesterday in insisting that the administration is not seeking any total military victory or unconditional surrender.

At best, we will win an opportunity for the South Vietnamese to determine what kind of government they want, without alinement with this country, without an American base in Vietnam, and without any assurance that South Vietnam will not choose communism if they desire it.

Why, in view of the heavy sacrifice we will have to make and the apparently feeble benefit to this country, must we continue?

The answer, Mr. President, was brilliantly expressed in last night's Washington Star by Howard K. Smith.

Mr. Smith argues that America must not lose this war for two reasons:

First. If we should lose or withdraw, wars of liberation would become a certainty throughout the world, not only in Asia, but also in Africa and South America. The collapse of American power at the hands of a guerrilla band, supplied primarily by a relatively primitive country of 16 million people, would signal a feeble and helpless United States.

Second. The result of such a fiasco would be—as Mr. Smith points out—a super response to the next serious engagement, with a million American troops and an all-out reduce-the-enemy-to-the-stone-ages type bombing.

Mr. President, I ask unanimous consent that the article by Mr. Smith be printed at this point in the RECORD.

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

PRICE OF U.S. DEFEAT IN VIET NAM TOO COSTLY

(By Howard K. Smith)

We shall win the war in Viet Nam—that is, attain our oftstated objectives. We shall do so for the simple reason that there is no alternative.

If we should lose and withdraw, or negotiate an empty agreement, every little band of politicians unable to win by consent in Latin America would acquire itself a Cuban adviser and have a go at a "War of Liberation." In half the countries of the world, the topical amusement would be going downtown to wreck the American embassy. That nearly happened in the period before we began seriously resisting in Viet Nam. After we began resisting, Ben Bella, Nkrumah and Sukarno lost power in succession and our embassies became their prosaic selves once again.

Nothing as epic as a decline or collapse of American power in the world would result from failure in Viet Nam. Instead, in the next serious engagement—say, in Thailand—an overwrought American opinion would insist on victory at any price. We would put not 300,000 but 3 million troops into combat. Gen. Westmoreland's promising career would end with a desk in the Pentagon, and the most uncompromising hawk would be called in to "bomb them back into the Stone Age." Our politics would once again be poisoned as at the time of McCarthy.

These things simply cannot be allowed to happen. So we shall have to straighten out the real facts about guerrilla war and win.

Guerrilla wars are won by one thing, and that is attrition. Two tough entities grate against one another until the tougher rubs the other to pieces.

The idea that the side closest to the common people wins is a romantic notion. In fact, the side that wins is almost always the side that gets the most abundant help from a nearby foreign power. In the Napoleonic wars, only a British invasion enabled the Spanish guerrillas to be successful. In World War II, no guerrilla movement had much chance until abundant Allied aid and an Allied invasion of Europe became real prospects. After that war, the Greek Communist guerrillas flowered while Tito provided a flood of support and a ready refuge. But when he shut the border, they withered.

Ho Chi Minh would never have won in North Viet Nam had not China gone Communist next to him. He could not fight now but for a flood of help from outside: all his oil, all his trucks, all his aircraft and antiaircraft defense, and almost all his arms and ammunition come from other Communist nations. Though the fighting in South Viet Nam is not a simple invasion from the North, it could not last 12 months on a serious scale if North Viet Nam stopped sending men and material.

Well, the foreign country with power to make up for lack of proximity is the U.S. With our impressive native talent for improvisation—trying and failing until eventually we find the right way—we are making that power increasingly effective.

But it will take time and patience, which are not usually American virtues. We are adjusted to short-term results, to annual sessions of Congress, annual budgets and annual company reports. For this effort we have to adjust to the long, long haul.

We must learn to shrug off setbacks and disappointments, and even occasional disasters. The Communists have a 20-year head start in singing their "infracture" into South Viet Nam, and we have only been seriously learning to root it out for about a year.

We shall have to keep in mind that our saturation reporting of our own problems, compared with a near blackout on information from the enemy, creates the false impression that only we have problems. In fact, what evidence there is suggests that the Communists' problems are much worse and are growing more so each month.

We need to keep clear the fact that this is really a job of nation-building disguised as a war. Despite the subtlety and difficulty of the mission the prospects are good. The people with whom we work are clever. Their country is rich and can grow anything in abundance. Both the Buddhist demonstrations of last summer, and the firmness with which order was restored, are tokens of a crystallizing nation.

The raw materials are right and so are we. We could possibly talk ourselves into defeat, and a fraction of our intellectuals are giving it a hard try. But probably they shall not succeed. The easiest path is success, and in our usual halting way, we are moving along that path.

EIGHT PERCENT RISE IN MORTGAGE INTEREST RATES DRIVES HOUSING COSTS UP SHARPLY IN PAST 6 MONTHS

Mr. PROXMIRE. Mr. President, too little attention has been paid to the full consequences of restrictive monetary policy and high interest rates on the cost of living.

The classical argument is that tight credit and high interest rates will discourage prospective home buyers, businessmen planning expansion, auto buyers, and others who want to spend money, from borrowing to spend. The tight credit is supposed to cut down on spending. And, of course, to some extent it does. It has, in fact, sharply depressed the homebuilding industry. It has probably discouraged some small businessmen from borrowing to meet big business competition, and it has persuaded municipalities contemplating school building, for example, to postpone their plans.

In this sense, tight money may have contributed to reducing demand and kept this kind of pressure off prices. On the other hand, it has contributed directly to a high cost of living.

I have just received from the Bureau of Labor Statistics an analysis which, for the first time, to my knowledge, separates out the rise in interest rates in determining the big cost of housing element, in the cost of living.

Since the big cost of living rise began last February 1 until the latest available report on the cost of living—for last month—housing costs rose by 1.9 percent—2.1 points. During this same period, however, mortgage interest rates by themselves rose a whopping 8 percent.

The Bureau of Labor statisticians tell me that their analysis shows that if one takes the soaring 8-percent rise of mortgage interest rates out of the increase in housing, one subtracts more than one-third of the full housing rise. In fact, of the 1.9-percent rise, 0.7 percent was the result of higher mortgage interest rates. Without the rise in interest rates, the rise in housing costs would have been not 1.9 percent but 1.2 percent.

Mr. President, I ask unanimous consent that a table showing the rise in the cost of living since January by percentage be printed in the RECORD at this point.

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

1966 chart

	January	July	+ points	Percent change
All items	111.0	113.3	+2.3	2.1
Food	111.4	114.3	+2.9	2.6
Housing [1]	109.2	111.3	+2.1	1.9
Apparel	107.3	109.2	+1.9	1.8
Transportation	111.2	113.5	+2.3	2.1
Health and recreation	116.9	119.1	+2.2	1.9
Medical	(124.2)	(127.7)	(+3.5)	2.8
All items, less food	111.1	113.2	+2.1	1.9
All commodities	107.4	109.3	+1.9	1.8
All services	119.5	122.6	+3.1	2.6
Home ownership	113.1	116.2	+3.1	2.7

[1] See the following table:

	Percent
Mortgage interest rate index itself up	8.0
Of the housing component	1.9
Mortgage interest rise accounts for	.7
Without rise housing would have increased	1.2

Source: Bureau of Labor Statistics.

Mr. PROXMIRE. Of course, Mr. President, the rise in housing costs does not measure anything like the direct inflating cost of higher interest rates on the cost of living.

Last month, for instance, the Bureau of Labor Statistics explained that the food price rise which was less than seasonal and the increase in transportation costs—especially with the New York City subway price increase—were mainly responsible for the price increase.

Now, Mr. President, obviously if the food price rise was less than seasonal, there must have been some factor or factors which had failed to have their usual July decline in price to offset the food price rise.

And there was. It was the failure of new car prices to decline as sharply as usual in the period before the model changeovers. They remained at about the same price—one-tenth of 1 percent lower. And used cars rose in price a big 1.8 percent in the single month.

Now, why did auto prices fail to fall and why did used car prices rise. One possible answer, Mr. President, is that dealers have made it plain that they are writing the increased cost of interest, which their big acceptance corporations are passing on to dealers, right into the price the auto buyer—who, of course, typically buys on credit—has to pay.

Unfortunately, the Bureau of Labor Statistics has been unable to get the kind of cooperation out of the industry that would enable them to separate out the increased interest rate cost in analyzing auto price increases.

Higher interest rates are directly driving up prices. Whether the restraint they exert on borrowers more than compensates for this by reducing demand sufficiently is to date academic. It would make a fruitful source of inquiry by statisticians. The results would contribute significantly to a wiser economic policy.

To date, we simply have to accept the assumptions of those who manage the Nation's money that higher interest rates-net keeps down prices. But there is no proof of this.

And the direct and incontrovertible proof that these rates have very sharply driven up the cost of living by driving up the cost of housing makes suspect any conclusion that tight monetary policy does in fact, overall, significantly keep down the cost of living.

FEDERAL-AID HIGHWAY ACT OF 1966—CONFERENCE REPORT

Mr. RANDOLPH. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3155) to authorize appropriations for the fiscal years 1968 and 1969 for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of Aug. 31, 1966, CONGRESSIONAL RECORD, pp. 21332–21334.)

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

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

Mr. RANDOLPH. Mr. President, conferees of the Senate and the House met in two lengthy sessions on August 18 and August 23 to consider differences in S. 3155.

The major differences were in the levels of authorization of appropriations for the Interstate System, with the Senate version authorizing $3.3 billion for fiscal 1968 and $3.6 billion for fiscal 1969, and deferring authorizations for subsequent years until after the Congress receives the 1968 cost estimate for completion of the Interstate System. The House version authorized $3.5 billion for fiscal 1968, $4 billion for fiscal 1969, $4.5 billion for fiscal 1970, $4.5 billion for fiscal 1971 and $4.306 billion for fiscal 1972. The proposed conference substitute would authorize $3.4 billion for fiscal 1968, $3.8 billion for fiscal 1969, $3.6 billion for fiscal 1970, $3.6 billion for fiscal 1971 and $2.685 billion for fiscal 1972. The last 3 years of authorizations are based on the 1965 cost estimates for completion, and will doubtlessly be revised in the light of the estimate which will be submitted in 1968.

Other differences in authorization levels were in the categories of public domain roads wherein the conference substitute bill authorizes for public lands highways $14 million for fiscal 1968 and $16 million for fiscal 1969; for public lands development roads and trails, $3 million for fiscal 1968 and $5 million for fiscal 1969; and for Indian reservation roads and bridges, $19 million for fiscal 1968 and $23 million for fiscal 1969.

In addition, the conference substitute bill authorizes for the construction and maintenance for highways in the State of Alaska, from the general fund, and in addition to funds otherwise made available to the State of Alaska under title 23, United States Code, $14 million annually for each of the fiscal years 1968 through 1972.

The conferees adopted the House provision of S. 3155 which protects the highway trust fund from the use of any trust fund moneys for the purposes of highway beautification or highway safety in excess of appropriations from the general fund to the trust fund specifically for such purposes.

I ask unanimous consent to have printed in the RECORD at this point in my remarks two tables setting forth the State apportionment of funds for fiscal years 1968 and 1969 under the proposed conference substitute.

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

Approximate apportionment of Federal-aid highway funds for the fiscal year 1968 pursuant to S. 3155

[In thousands of dollars]

State	A B C				Interstate ($3,400,000)	Total ($4,400,000)
	Primary ($450,000)	Secondary ($300,000)	Urban ($250,000)	Total ($1,000,000)		
Alabama	8,742	6,663	3,374	18,779	73,170	91,949
Alaska	24,079	16,160	165	40,404		40,404
Arizona	6,400	4,148	1,876	12,424	52,053	64,477
Arkansas	6,616	5,242	1,368	13,226	26,464	39,690
California	21,871	9,922	27,172	58,965	329,098	388,063
Colorado	7,677	4,983	2,556	15,216	40,519	55,735
Connecticut	3,373	1,855	3,953	9,181	71,321	80,502
Delaware	2,225	1,484	576	4,285	6,053	10,338
Florida	8,708	5,415	7,058	21,181	74,381	95,562
Georgia	10,459	7,950	4,067	22,476	48,556	71,032
Hawaii	2,225	1,484	932	4,641	28,986	33,627
Idaho	4,966	3,564	531	9,061	19,873	28,934
Illinois	16,669	9,115	16,118	41,902	192,946	234,848
Indiana	9,781	7,095	5,632	22,508	73,910	96,418
Iowa	10,268	7,635	2,683	20,586	40,856	61,442
Kansas	10,249	7,151	2,463	19,863	25,119	44,982
Kentucky	7,459	6,299	2,506	16,264	70,278	86,542
Louisiana	6,941	4,980	3,929	15,850	85,343	101,193
Maine	3,324	2,523	852	6,699	14,997	21,696
Maryland	4,143	2,586	4,539	11,268	54,676	65,944
Massachusetts	5,371	2,308	8,662	16,341	73,305	89,646
Michigan	13,609	8,536	11,383	33,528	100,340	133,868
Minnesota	11,727	8,249	4,115	24,091	78,214	102,305
Mississippi	7,218	6,023	1,474	14,715	37,089	51,804
Missouri	12,424	8,495	5,578	26,497	81,778	108,275
Montana	8,146	5,654	574	14,374	34,433	48,807
Nebraska	7,915	5,648	1,447	15,010	19,133	34,143
Nevada	5,014	3,334	379	8,727	21,184	29,911

Approximate apportionment of Federal-aid highway funds for the fiscal year 1968 pursuant to S. 3155—Continued

[In thousands of dollars]

State	ABC				Interstate ($3,400,000)	Total ($4,400,000)
	Primary ($450,000)	Secondary ($300,000)	Urban ($250,000)	Total ($1,000,000)		
New Hampshire	2,225	1,484	664	4,373	16,275	20,648
New Jersey	6,086	2,024	10,786	18,896	88,874	107,770
New Mexico	6,825	4,605	1,213	12,643	40,418	53,061
New York	19,908	8,583	28,911	57,402	171,863	229,265
North Carolina	10,693	9,517	3,293	23,503	30,835	54,338
North Dakota	5,898	4,308	441	10,647	15,636	26,283
Ohio	14,891	9,258	14,185	38,334	208,212	246,546
Oklahoma	9,305	6,466	2,769	18,540	35,408	53,948
Oregon	6,942	4,850	2,097	13,889	59,215	73,104
Pennsylvania	16,078	10,299	15,976	42,353	162,884	205,237
Rhode Island	2,225	1,484	1,509	5,218	18,763	23,981
South Carolina	5,737	5,004	1,798	12,539	21,689	34,228
South Dakota	6,365	4,600	456	11,421	30,465	41,886
Tennessee	9,219	7,218	3,576	20,013	73,338	93,351
Texas	27,966	17,697	13,950	59,613	169,307	228,920
Utah	4,686	3,036	1,309	9,031	51,414	60,445
Vermont	2,225	1,484	269	3,978	24,076	28,054
Virginia	8,519	6,644	4,352	19,515	104,409	123,924
Washington	7,009	4,739	3,755	15,503	81,745	97,248
West Virginia	4,548	4,051	1,321	9,920	77,373	87,293
Wisconsin	10,492	7,382	4,857	22,731	28,145	50,876
Wyoming	5,159	3,509	296	8,964	33,189	42,153
District of Columbia	2,225	1,484	1,576	5,285	44,992	50,277
Puerto Rico	2,225	2,473	1,929	6,627		6,627

Approximate apportionment of Federal-aid highway funds for the fiscal year 1969 pursuant to S. 3155

[In thousands of dollars]

State	ABC				Interstate ($3,800,000)	Total ($4,800,000)
	Primary ($450,000)	Secondary ($300,000)	Urban ($250,000)	Total ($1,000,000)		
Alabama	8,742	6,663	3,374	18,779	81,778	100,557
Alaska	24,079	16,160	165	40,404		40,404
Arizona	6,400	4,148	1,876	12,424	58,177	70,601
Arkansas	6,616	5,242	1,368	13,226	29,577	42,803
California	21,871	9,922	27,172	58,965	367,815	426,780
Colorado	7,677	4,983	2,556	15,216	45,286	60,502
Connecticut	3,373	1,855	3,953	9,181	79,711	88,892
Delaware	2,225	1,484	576	4,285	6,765	11,050
Florida	8,708	5,415	7,058	21,181	83,131	104,312
Georgia	10,459	7,950	4,067	22,476	54,268	76,744
Hawaii	2,225	1,484	932	4,641	32,396	37,037
Idaho	4,966	3,564	531	9,061	22,211	31,272
Illinois	16,669	9,115	16,118	41,902	215,646	257,548
Indiana	9,781	7,095	5,632	22,508	82,605	105,113
Iowa	10,268	7,635	2,683	20,586	45,662	66,248
Kansas	10,249	7,151	2,463	19,863	28,074	47,937
Kentucky	7,459	6,299	2,506	16,264	78,546	94,810
Louisiana	6,941	4,980	3,929	15,850	95,383	111,233
Maine	3,324	2,523	852	6,699	16,762	23,461
Maryland	4,143	2,586	4,539	11,268	61,108	72,376
Massachusetts	5,371	2,308	8,662	16,341	81,929	98,270
Michigan	13,609	8,536	11,383	33,528	112,145	145,673
Minnesota	11,727	8,249	4,115	24,091	87,416	111,507
Mississippi	7,218	6,023	1,474	14,715	41,453	56,168
Missouri	12,424	8,495	5,578	26,497	91,399	117,896
Montana	8,146	5,654	574	14,374	38,484	52,858
Nebraska	7,915	5,648	1,447	15,010	21,384	36,394
Nevada	5,014	3,334	379	8,727	23,677	32,404
New Hampshire	2,225	1,484	664	4,373	18,190	22,563
New Jersey	6,086	2,024	10,786	18,896	99,329	118,225
New Mexico	6,825	4,605	1,213	12,643	45,174	57,817
New York	19,908	8,583	28,911	57,402	192,082	249,484
North Carolina	10,693	9,517	3,293	23,503	34,463	57,966
North Dakota	5,898	4,308	441	10,647	17,476	28,123
Ohio	14,891	9,258	14,185	38,334	232,708	271,042
Oklahoma	9,305	6,466	2,769	18,540	39,574	58,114
Oregon	6,942	4,850	2,097	13,889	66,182	80,071
Pennsylvania	16,078	10,299	15,976	42,353	182,047	224,400
Rhode Island	2,225	1,484	1,509	5,218	20,971	26,189
South Carolina	5,737	5,004	1,798	12,539	24,240	36,779
South Dakota	6,365	4,600	456	11,421	34,049	45,470
Tennessee	9,219	7,218	3,576	20,013	81,966	101,979
Texas	27,966	17,676	13,950	59,613	189,225	248,838
Utah	4,686	3,036	1,309	9,031	57,463	66,494
Vermont	2,225	1,484	269	3,978	26,909	30,887
Virginia	8,519	6,644	4,352	19,515	116,692	136,207
Washington	7,009	4,739	3,755	15,503	91,362	106,865
West Virginia	4,548	4,051	1,321	9,920	86,476	96,396
Wisconsin	10,492	7,382	4,857	22,731	31,456	54,187
Wyoming	5,159	3,509	296	8,964	37,093	46,057
District of Columbia	2,225	1,484	1,576	5,285	50,285	55,570
Puerto Rico	2,225	2,473	1,929	6,627		6,627

Mr. RANDOLPH. Mr. President, S. 3155 was carefully deliberated by both Houses and the conferees have given close attention toward an equitable resolution of the differences. S. 3155 is a good bill and I urge the Senate to adopt the conference report.

Mr. ELLENDER. Mr. President, will the Senator yield for a question?

Mr. RANDOLPH. I yield.

Mr. ELLENDER. This bill would not add to the present mileage?

Mr. RANDOLPH. It does not. We do not authorize any extension of mileage of the Interstate System, but I would say to the Senator from Louisiana that several Senators have discussed the need for additional mileage in their States, and the Committee on Public Works would want to give it consideration at a later date.

Mr. ELLENDER. That would be in another session of Congress?

Mr. RANDOLPH. The Senator is correct. The Senator has discussed with me on several occasions the Interstate System, the primary and secondary systems, and other road programs in his State, as well as throughout the country.

Mr. JORDAN of North Carolina. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. JORDAN of North Carolina. Mr. President, I am a member of the committee, and I think I am correct in stating that the additional authorization to take care of the additional cost per mile per road is now included in funds for the secondary and interstate systems. The authorization includes funds for primary and secondary roads.

Mr. RANDOLPH. The Senator is correct—interstate, primary, and secondary roads.

Mr. JORDAN of North Carolina. The amount of money required is increased because it will cost more to build the roads.

Mr. RANDOLPH. The conference substitute recommends increased authorization for the Interstate System, partly to meet the increased unit costs of construction. The last 3 years of authorizations will have to be increased, because they are based on the 1965 estimates of the competition cost, as the Senator knows.

Mr. JORDAN of North Carolina. I do not believe there is any question about that.

Mr. RANDOLPH. The Department of Commerce is required to report in 1968 on a new estimate of the cost of completing the Interstate System, and the Congress will use that estimate as the basis for authorizing construction funds for the remaining years of the interstate program.

Mr. MOSS. Mr. President, before final action is taken on the conference report on the Federal-Aid Highway Act, I would like, by way of legislative history, to clarify the purposes of certain parts of this act.

Section 5 of the act authorizes the appropriation of moneys for various specialized kinds of roads. These are roads which are not a part of the Interstate and A–B–C system, and are not financed out of the highway trust funds, but are financed instead out of the general fund.

The types of highways to which I refer and the sections of the act in which they are authorized are: Forest highways, section 5(2); public lands highways, section 5(3); forest development roads and trails, section 5(4); public lands development roads and trails, section 5(5); park roads and trails, section 5(6); parkways, section 5(7); and Indian reservation roads and bridges section 5(8).

In each instance the roads authorized traverse the type of public lands described in the subparagraph. Forest highways, of course, are roads that travel through our Federal forests and forest development roads and trails also are totally within the forest.

In contrast to this, public lands highways traverse the public domain lands under the jurisdiction of the Bureau of Land Management as do the public lands development roads and trails. In these two subsections funds should be set aside for, and limited to, roads and highways on the public domain.

The funds for park roads and trails are for use within national parks and the funds for parkways are for specialized, national park developments. Lastly, the Indian reservation roads and bridges funds are to be expended only on lands and bridges on Indian reservations.

This all sounds very sensible and orderly. But because of some loose language in the 1950 law which established the public lands highway category, the Bureau of Public Roads can divert public lands funds to forest or park roads. This is contrary to the intent of the Public Works Committee and the Congress. If we intended that the Bureau of Public Roads should decide in what category road money should be spent we would simply appropriate a given sum and tell the Bureau personnel to divide it up. But we do not intend that this should be the case. We authorize given amounts for each type of road because we feel that is where and how the money should be spent.

Often, we feel that the authorizations are inadequate, and we adjust them. For example, I did not feel that the amounts recommended for authorization for the forest roads and highways were sufficient to do the job, and I offered an amendment to increase the authorizations which was adopted by the committee. I also offered an amendment to increase the authorization of public lands highways, which was also adopted, because the majority of the members of the committee were convinced that additional funds were needed for roads and highways over the public domain.

Actually, the authorizations for forest highways are more generous than the authorizations for public domain highways, and it certainly was never intended that the public domain funds should be diverted to forest highways, or to any other category of roads. Yet that is exactly what happened in the fiscal years 1966 and 1967 allocations by the Bureau of Public Roads.

I ask unanimous consent to have printed in the RECORD a table showing allocations of public highway funds for these 2 fiscal years.

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

Public lands highway funds

Types of land:	*1966*	*1967*
BLM (public land highways)	$3,155,000	$2,130,000
Forest highways	3,295,000	3,901,930
Indian lands	0	250,000
National parks	0	300,000
Federal recreation areas	400,000	400,000

Mr. MOSS. Mr. President, as is immediately evident, more public lands highway money will be expended on forest highways in these 2 years than on the public lands highways for which the funds were intended. In 1966, $400,000 in public land money will also be expended on roads within Federal recreation areas, which should be built by the National Park Service, and in 1967, not only will public lands roads be diverted to Federal recreation areas, but some $550,000 will be spent on roads over Indian lands.

Our public domain lands are by far the largest category of federally owned lands in the country. In many sparsely settled areas of the West, counties simply do not have a large enough tax base to build some of the roads which are needed across the public domain, and States are too hard pressed by the demands for A–B–C money in more populous areas to build these roads.

To be specific, in my State of Utah, there is a severe need for roads across the public domain to the boundary of recreation areas, such as the newly opened and spectacular Lake Powell area. These roads will not be used just by Utah citizens, but by tourists from all over the country who are being attracted to the new scenic wonderland in southern Utah. Yet these roads are not being constructed because of lack of funds—while public land funds are being diverted to other uses.

I believe it should be made abundantly clear in the legislative history of this bill that the Congress intends all funds are to be used for the categories of roads for which they are authorized. The diversion of public land funds may not be illegal, but it is contrary to the intent of Congress in authorizing and appropriating the funds.

Further, I would point out that the act authorizes only $14 million for the fiscal year ending June 30, 1968, for public lands highways—far less than the forest highway authorizations—and there are applications pending for approximately five times the amount of money for public lands highways than is authorized herein.

It is imperative, therefore, that the entire amount of money authorized and appropriated for public lands highways be allotted to roads traversing the public domain, and I want the legislative record on this bill to show that it is the intent of Congress that this be done.

Mr. RANDOLPH. Let me compliment the Senator from Utah on what he has just said. We did raise the funds for this program, realizing its importance. The Senator from Utah has been an ardent advocate of this kind of development of roads on Federal domain lands.

The Senate committee on which he serves as a conferee, realizing the validity of his viewpoint, has been happy to include it—as the Senator knows—in the report.

Mr. MOSS. I thank the Senator from West Virginia for his kind remarks.

Mr. YARBOROUGH. Mr. President, I wish to commend the conferees on S. 3155, the Federal Aid Highway Act of 1966, for retaining the park and historic site preservation amendment. The distinguished chairman of the Senate Committee on Public Works [Mr. RANDOLPH], a great conservationist, fought hard to preserve the Senate provision in the bill, and has shown once again his awareness of the need to preserve America's natural and cultural treasures of the past even

while we build a new environment for the future through our great public works projects. As the author of the amendment, I thank the Senator for his great work to preserve America's heritage.

Mr. President, I ask unanimous consent that the provision as approved by the Senate-House conference be printed at this point in the RECORD.

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

SEC. 15. (a) Chapter 1 of title 23 of the United States Code is amended by inserting at the end thereof a new section as follows:

"§ 138. Preservation of parklands

"It is hereby declared to be the national policy that in carrying out the provisions of this title, the Secretary shall use maximum effort to preserve Federal, State, and local government parklands and historic sites and the beauty and historic value of such lands and sites. The Secretary shall cooperate with the States in developing highway plans and programs which carry out such policy. After July 1, 1968, the Secretary shall not approve under section 105 of this title any program for a project which requires the use for such project of any land from a Federal, State, or local government park or historic site unless such program includes all possible planning, including consideration of alternatives to the use of such land, to minimize any harm to such park or site resulting from such use."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"138. Preservation of parklands."

Mr. YARBOROUGH. Mr. President, although our Federal aid highways and the new Interstate Highway System have been a great blessing, they have not been an unmixed blessing. Our highway system is the greatest in the world; it is a magnificent engineering achievement. We need still more highways, as the funds we are now voting to complete the Interstate System by 1972 attest to.

However it has always been my feeling that we should be careful where we put the highways, so that we do not destroy great natural and historical treasures when we do not have to. I feel that we now have on the books a reasonable provision which states for one and all to see, that the U.S. Congress has declared a national policy to preserve Federal, State, and local government parklands and historic sites and the beauty and historic value of such lands and sites.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

A REPORT ON THE ILLNESS OF SENATOR MURPHY

Mr. KUCHEL. Mr. President, I am most grateful that I may now inform the Senate that the condition of our friend and colleague from California, GEORGE MURPHY, as reported to me by his able staff, is good. While the tumor which was excised by the doctor was malignant, tests indicate that the surrounding tissue is completely healthy and that there is no need for further surgery.

The doctors in attendance and the family are both overjoyed, as all of us are. I thought it was rather indicative of the success of the operation that the Senator's son, Dennis, should say to the press that his father not only feels very good but also has a yen for spaghetti at the moment, and that his voice sounds like a cross between that of the Senator from Illinois [Mr. DIRKSEN] and Andy Devine.

We thank God for this news, and we renew our prayers that GEORGE's recovery will be complete.

Mr. YOUNG of Ohio. Let me express at this time my admiration for the distinguished Senator from California [Mr. MURPHY].

As a member of the Subcommittee on the Public Works Committee, he is a very hard working and valuable member, and also of the Senate itself. Let me attest to my affection for him as a friend.

I am greatly pleased to hear the glad tidings which the Senator from California [Mr. KUCHEL] has brought to us.

I wish Senator MURPHY a speedy recovery and hope that he will return to Washington very soon.

Mr. KUCHEL. The gracious comments of the gracious and able Senator from Ohio reflects the views of all Members of the Senate.

Mr. MORSE. Mr. President, it is a great relief to me to learn that the Senator from California [Mr. MURPHY] is recovering very nicely from his operation and that the prognosis is favorable.

The Senator from California [Mr. KUCHEL] knows that a memorandum was circulated among Senators on yesterday which indicated that the tumor was malignant, but the memorandum did not set forth the prognosis as to what the outcome would be.

All Senators have been greatly concerned about the news contained in that memorandum and it is certainly good tidings which the Senator from California [Mr. KUCHEL] brings to the floor of the Senate today.

I work with our colleague, Mr. MURPHY, on the Committee on Labor and Public Welfare, and I have come to know him not only well but have also come to be very fond of him.

I want the Senator from California [Mr. KUCHEL] to know, as Mr. MURPHY's colleague, that the news just given us is not only good news but comes as a great relief to all Senators.

Mr. KUCHEL. The friendly and affectionate comments of my good friend, the Senator from Oregon, also reflect the feeling of all my colleagues for our friend, GEORGE MURPHY, of California.

SOUTH DAKOTA CHORUSES PLACE FIRST IN AMERICAN LEGION COMPETITIONS

Mr. McGOVERN. Mr. President, I am pleased to announce to the Senate that on yesterday the Sioux Falls American Legion Chorus won first place in the national competition at the National Convention of the American Legion in Washington.

This represents the 5th consecutive year that this very fine chorus from Sioux Falls, S. Dak., has placed first in the Nation in Legion competition.

I am further pleased to announce that the auxiliary of the American Legion of Sioux Falls, S. Dak., also won first place in the auxiliary division for choral competition. This represents the 3d year in a row that this honor has come to the American Legion Auxiliary in Sioux Falls.

For many years, the championship male chorus has been under the direction of Prof. Lee Bright of Sioux Falls College.

The women's auxiliary chorus is under the direction of Prof. Earl Mundt of Augustana College.

Mr. President, it is a great tribute to these Legion choruses, coming as they do from a State with a rather small population, composed of moderate sized communities, that repeatedly over the past few years they have won first-place honors in national competition. I share with my fellow South Dakotans a genuine pride in their impressive achievements.

APPALACHIAN REGIONAL DEVELOPMENT PROGRAM CARRIES INTO CONSTRUCTIVE ACTION THE INTENT OF THE CONGRESS—REPORT ON FIRST YEAR OF EFFORT INDICATES PROGRESS IN SOLVING PROBLEMS OF AREA

Mr. RANDOLPH. Mr. President, approximately a year ago I was privileged to floor manage in the Senate for one of the most urgently needed and carefully conceived measures I have had the privilege of supporting during my service in Congress. The bill, which became the Appalachian Regional Development Act of 1965, was the product of 2 years of diligent consideration, arduous discussion, and hard work. Federal, State, and local officials, segments of the business community and private citizens participated in this process and the result was legislation which is remedial in nature, but positive in direction.

The plight of the Appalachian region was vividly described during the 1960 presidential primary in West Virginia. Subsequent articles and programs disseminated by national news media aroused the public conscience of the Nation to the deterioration of Appalachia and the lives of too many of its people. The unique and difficult problems of Appalachia were sufficient to prompt the passage of legislation allocating funds from the National Treasury to help upgrade the quality of life and the standard of living of the Appalachian people, mainly through developmental procedures.

Those of us from the Appalachian States asked the help of the Congress in this effort. The report of the President's Appalachian Regional Commission documented that many Federal programs bypass Appalachia altogether or, because of inadequate State and local funds, do not have full impact there. The inadequate road system in the region is a direct result of the unusually high cost of construction caused mainly by its rugged terrain.

State and Federal highway funds go only one-half or one-third as far in most of Appalachia as in less mountainous country. It was clear that without a special effort, the Appalachian region would continue to lag behind most other regions of the country, economically and socially.

These facts were appraised by the 89th Congress. Because of its humanity and good judgment, the decision was made by the Congress to stimulate development through the regional commission approach.

Today, as a principal sponsor of the Appalachian bill, I report on the accomplishments of this program in its first year.

I recall that the cosponsor of the legislation, in our Public Works Committee, Senator COOPER, the ranking minority member, has been an ardent advocate of this program. His leadership has been commendable.

It is remarkable—and a tribute to the good will of the Appalachian Governors and their representatives—that every decision made by the Appalachian Regional Commission has been by unanimous vote. It is also a mark of the cooperative leadership of the Federal Cochairman John L. Sweeney, that the potential Federal veto on Commission decisions has never been exercised.

This cooperation is all the more remarkable because of the magnitude of the Commission's decisions. The Appalachian Act authorizes a highway system, not to exceed 2,350 miles, to be developed to provide access to and through the region. Within 3 months after coming into existence, the Appalachian Regional Commission had, by unanimous vote, designated the corridors these highways will follow.

At its most recent meeting, August 10, the Commission allocated the funds authorized for this work to the participating States. An inspection of a map of the system reveals quickly that the interests of the entire region have been served by the Commission's judgment. Most gaps between the interstate highways in the region will be filled and improved flow of traffic up and down and across Appalachia will be made possible.

In the past, the Appalachian mountains have been serious impediments between the metropolitan east and the thriving Midwest. With the cooperation of the U.S. Bureau of Public Roads and the State highway departments, some 500 miles of the Appalachian developmental road system are now under construction or in the advanced stages of engineering. There is reason to expect that the construction of the system will be accomplished within the authorized 6-year life of the Appalachian program. In this respect, I hope we are not unduly optimistic.

Other elements of the program are moving ahead at an equally satisfactory pace. Perhaps the most flexible and useable program under the Appalachian Act is that which provides supplemental grants to reduce the local matching funds required under existing Federal grant-in-aid programs. In part, the disparity between the quality of the public facilities in the region and those elsewhere stems from the fact that many communities, counties, and indeed States were too poor to provide the funds required to participate fully in Federal grant-in-aid programs. Under the Appalachian Act, supplemental grants may be made to increase the Federal share up to a maximum of 80 percent of cost.

Thanks to this program, many projects of singular importance and utility to local communities are being undertaken, with some well along in the construction phase.

The Commission has taken seriously the intent of the Congress that the Appalachian supplemental grant funds should be used to get the job done and not simply to make life easier for local sponsors of the projects.

All applications have been reviewed carefully. Of the 155 supplemental grants approved to date, only 62 have raised the Federal participation to 80 percent. It is interesting to note that the bulk of the projects approved thus far for supplemental grants are in the fields of health and education, projects which are essential to upgrade the capacity of Appalachian people to have and to hold jobs.

Vocational schools, higher education facilities, hospitals, libraries, airports, sewage treatment plants, nursing homes, and other facilities, which would not have been built otherwise are being constructed in the region with the aid of these supplemental grants. Through the use of Appalachian supplemental grants of less than $20 million, projects involving total costs of $100 million have been placed under construction.

The Appalachian Commission is working to implement the programs authorized for the construction of demonstration health facilities, for mine area restoration, for water resource development, for land stabilization, and timber improvement.

As my colleagues know, West Virginia has a big stake in this program. It is the only State which lies wholly within Appalachia and its geographic position is central to the overall development of the region. It is for this reason that substantial mileage in the developmental highway system has been earmarked for West Virginia.

Of the 2,350 miles designated for construction, 451 are in West Virginia. The State, of course, bears the primary responsibility for this work, subject to Bureau of Public Roads regulations, and I am advised by our able State road commissioner, Burl A. Sawyers, that major steps have been taken to prepare the department for this task.

Even under the 70–30 matching ratio prescribed for the Appalachian developmental road program, the financial burden on all of the Appalachian States, is quite heavy—especially on West Virginia. Building good roads across and around our mountains rapidly absorbs State dollars as well as Federal dollars. I make this statement in part to emphasize the point that this is a Federal-State partnership in every respect, and further to point out the commitment of the States to the program of the partnership.

We feel that the Appalachian developmental roads, as part of the total integrated highway system, are the foundation for building an expanded economy in our State, and throughout the region. These routes were developed on a regional basis and serve to promote access both north-south and east-west for the entire region. For example, through cooperative effort, routes traversing eastern Kentucky and western Virginia move into West Virginia to provide continuity of access. The benefits of these routes are not limited to any one Appalachian State. Commercial traffic benefiting the entire Nation will move along these routes from the Ohio Valley to the markets and ports of the east coast. Traffic from Atlanta, Chattanooga, and Knoxville will be able to move northward to the Ohio Valley and the Great Lakes. Now the lack of adequate highways makes such commerce difficult.

Again, I use the State of West Virginia as an example. Our State government has followed a wise course in planning the other kinds of facilities in addition to roads. Initially, supplemental grants have been made, or applied for, in the basic and essential fields of education and health. This judgement on the part of Governor Hulett C. Smith and the organization working with him is gratifying.

Development of West Virginia's and the region's human resources depends largely on the creation of adequate types of employment.

In signing the Appalachian Development Act, President Johnson called it the truest example of creative federalism in our times. The course of this program in the past year has confirmed the President's appraisal.

The impetus for the Appalachian program came from the Appalachian Governors. During its consideration of the bill, the Senate Committee on Public Works felt very strongly that only with substantial State participation could the program begin to ameliorate the deficiencies that exist in the region. Consequently, the act provides that projects and programs which come to the Commission must be submitted by a member State.

The individual Appalachian States are thereby given an opportunity to judge their own needs and to set their own priorities for the best use of the funds available. In too many Federal grant-in-aid programs the State governments have little or no voice. The Appalachian States, with the full cooperation of the Federal Cochairman of the Appalachian Regional Commission, have this opportunity and are making commendable efforts to achieve the largest possible return on each dollar invested.

The planning which is being done by the States, in conjunction with the Commission, is one of the most encouraging aspects of the program. With the assistance of funds for local development support under section 302 of the act, matched by State moneys, the Appalachian States are organizing planning staffs and are structuring multicounty development units.

This augmentation of existing State planning efforts will not only result in well-conceived projects on programs within the context of the Appalachian program per se, but also will promote more effective use of other public funds from all levels of government.

With all due respect to Federal Cochairman Sweeney and his staff, I know from experience that the quality of the people working at the State and local levels will determine the ultimate degree of success of the Appalachian program. The State of West Virginia has a vigorous and competent team engaged in this effort.

Under the leadership of Governor Smith, Commissioner of Commerce Angus Peyton, Deputy Commissioner Richard Slavin, a gubernatorial assistant, Paul Crabtree, well-qualified people have been recruited to staff the central planning and coordinating offices in Charleston and to work in five local offices in strategic locations in the State. The field personnel are providing the types of assistance which most communities find helpful.

Mr. President, in preparing its report on the problems of the Appalachian region and its recommendations for solutions to them, the President's Appalachian Regional Commission concluded that the scope of the needs within the region were so broad that regional solutions were necessary.

The Commission also recognized that there was not enough time and not sufficient money to bring the amenities of modern life to every county and town throughout this large area. Aside from subsistence farming and timbering, the primary source of employment in the central Appalachian region has been coal mining. The decline of employment in these fields, caused by modern technology, resulted in large pockets of surplus labor.

It was recognized by the Committee on Public Works that a reasonable effort to upgrade the economic and social life of the people of the Appalachian region, of necessity, had to be selective in scope and nature. Thus, the Appalachian Regional Development Act includes in its preamble and text this unique phrase:

> The public investment made in the region under this Act shall be concentrated in areas where there is a significant potential for future growth, and where the expected return on public dollars invested will be the greatest.

This is a simple and almost poetic phrase but it is a large order indeed when the decisions in entails affect the lives of people and communities.

In implementing this directive, the Appalachian Regional Commission has taken what I believe to be a proper course. Tying together the directives to invest in areas with potential for growth and to honor State judgment in the process, the Commission has, by unanimous vote, required that each participating State analyze its Appalachian area, determine its potential, and submit a plan for the use of Appalachian funds to exploit this potential.

Each State must thereby produce a State investment plan for the use of Appalachian Act funds. This is a requirement which the States, through the Commission, have set for themselves and to which they are adhering. The Commission's own research program and planning is designed to give the member States the tool with which to accomplish this planning.

These State-by-State plans are not just the means of getting maximum value for every dollar to be expended on a given project. They are also the basis for tying together means for participation in the different kinds of programs which are contained in the Appalachian Act and other Federal and State activities.

Through a careful appraisal of their own assets and liabilities, and specifically their potential for economic growth, the Appalachian States are developing both broad and specific plans and programs which extend to many other governmental activities.

This degree of State responsibility makes the Appalachian program unique. It is also making the program successful.

Fortune magazine, a fairly conservative publication, has called this program, one of the most interesting of recent political innovations, in describing the power vested in the Appalachian States and in paying tribute to the initial successes of the joint regional effort.

Mr. President, I ask unanimous consent that the excerpt, pertaining to the Appalachian program, from the article "Creative Federalism in a Great Society," by Max Ways, which appeared in the January 1966, issue of Fortune, be printed in the RECORD at the conclusion of my remarks. It describes very accurately and succinctly the unique Federal-State character of the Appalachian Commission.

The PRESIDING OFFICER. Without objection is is so ordered.

(See exhibit 1.)

Mr. RANDOLPH. Mr. President, perhaps the best example of interstate cooperation in the Appalachian program is the fact that New York State is now a full participating member of the Commission. As my colleagues will recall, when the Appalachian bill was considered in the Senate, the Senators from New York offered an amendment authorizing the Appalachian Regional Commission to study the areas in New York State contiguous to the Appalachian region as defined in the bill and to invite the Governor of New York to bring into the program those counties which were found to bear a close relationship to the region, and which would meet the eligibility requirements.

Although the effect of their action was to take dollars out of their pockets and allocate them to the State of New York, the Appalachian Governors voted unanimously to invite the Governor of New York to include a 13-county area in southern New York State in this regional effort.

It would be misleading for me to contend that all is perfect, and I do not so imply. The Appalachian Commission and the Appalichian States are attacking difficult problems. It there had not been usual problems for solution, the Appalachian Act would not have been necessary and would not have been passed in the first place.

If the enormous problems of this region could have been solved in a year, we would have legislated a miracle. But we are not dealing in miracles—nor do we expect miracles. But we do expect accomplishments—and improvements.

The development of State plans for the use of Appalachian Act funds has required much time and effort. The countless problems which beset any public construction program are present in full measure. Governmental machinery—at all levels—has not always operated smoothly. Intrastate cooperation is sometimes more critical to the success of the program than interstate cooperation, and sometimes more difficult. With new responsibilities for planning, the State governments have been required to take a penetrating look at their institutions for developing State plans, defining growth potential, and ascertaining the best ways to provide a full range of public services to diverse and dispersed populations.

This is a unique opportunity for the States, and their capacity to handle the job at hand will determine the success or failure of the program. As Mr. Ways phrased it in his article in Fortune magazine:

> If this local initiative continues to wax, federal coordinating functions will be a small part of the total activity. If the local initiative subsides there won't be anything worth coordinating and the Appalachian program will be a clear-cut failure. In neither case will Washington have increased its "control" of Appalachia.

Every indication is that the States will succeed, and that the program will be a success. In a meeting between the President and the Appalachian Governors earlier this year at the White House, the Governors expressed unanimous, and bipartisan, satisfaction with the program to date.

Perhaps most representative of the comments at that time were those of two Republican Governors present. Governor William W. Scranton of Pennsylvania said:

> I personally know of no Federal program that has started off better than this one.
>
> As you know, this is a unique Federal-State relationship. There has never been anything like it before. As a group, I believe we feel strongly that it not only works extremely well but we highly recommend to the President that a relationship of the same sort might be made in other programs of the Federal Government.

Gov. James A. Rhodes, of Ohio, said:

> There has always been a raging question between the States and the Federal Government as to whether they can work together. I think your administration has given a prime example of how they can work together. We thank you.

We in the Congress could deduce from these tributes that we have produced Appalachian Regional Development Act. There is, however, some need for legislative improvement.

It has always been my view that the Appalachian program should be remedial in its purpose, and that once its special job is done it should be reappraised. It

was with this thought in mind that the Appalachian Regional Commission was authorized a 6-year life by the Congress.

Similarly, the highway program has been programed over a 6-year period. However, the other programs authorized by the act, for supplemental grants—land stabilization, mine area restoration, timber development, and so forth—were authorized for only 2 years. This was done for two reasons.

First, to see if the programs would work and if they are the right ones; and, second, to ascertain if a Federal-State commission could produce the desired results. In the 90th Congress, the Senate Public Works Committee will give its careful attention to both aspects.

One major change which needs to be made and which I intend to propose next year is the authorization of a unified Appalachian budget with funds appropriated to the Appalachian Commission, rather than be scattered throughout numerous budgets.

In submitting the Appalachian bill to the Congress, the President was concerned that the interests of the Federal Government be protected in judgments of the Commission, and, for that reason, the legislation provides that the affirmative vote of the Federal Cochairman is a necessary element of any Commission action. A further guarantee against hasty action is the fact that the Commission's decisions are in the form of recommendations to departments of the Federal Government.

Supplemental grant projects must be recommended by the Commission before they are approved, but final approval is within the discretion of the Secretary of Commerce. Similarly, the land stabilization program is subject to the final authority of the Secretary of Agriculture; mine area restoration projects are subject to the authority of the Secretary of Interior; and the vocational education and sewage treatment programs are under the jurisdiction of the Secretary of Health, Education, and Welfare. It was probably wise to adopt this system for a 2-year trial period. The considerations which prompted it are past.

I believe funds should be appropriated directly to the Appalachian Regional Commission—in proper and legal terminology—to permit the Congress to review the entire program as a unit in the appropriations process. Currently, this is not practical. At present, Appalachian items in the budget come to the Congress in piecemeal fashion, the highway program being in the Department of Commerce appropriations; the land stabilization program in Agriculture; mine area restoration in Interior; and the Commission's administration funds appearing in the independent offices appropriations bill.

Thus, the Congress does not have opportunity to see the total picture and to pass judgment on it. I have talked with several members of the Appropriations Committee who feel that it would be desirable to place the contents of the package in a single wrapper.

The Appalachian Commission should not become an operating agency. The funds that are appropriated to it should be redistributed by the Commission to the other agencies which will administer their expenditure. Thus, the Commission would allocate to the Bureau of Public Roads of the Department of Commerce the funds to construct the highway system.

The Bureau would apply all of its normal standards and criteria and would utilize its normal operating procedures and administrative regulations. The same would be true in vocational education where the Commission would provide the Secretary of Health, Education, and Welfare with the funds necessary to assist in the construction of vocational training centers. The Secretary of Health, Education, and Welfare would apply all usual regulations beyond that point. Supplemental grant funds would be allocated directly to the departments and agencies which administer grant-in-aid programs.

Under such a system the Commission would not need to hire engineers, accountants, and other technical personnel who are already employed by the operating departments and agencies. But it would provide the Commission with the authority to determine how Appalachian funds should be invested.

Not a single recommendation of the Commission has been turned down by any Federal department. This, in itself, indicates the responsible and thoughtful judgments which the Commission has made. The review of Commission recommendations within the various Federal departments does, however, consume a substantial amount of time, frequently occasions considerable delay, and does add administrative costs.

Also, each department sees its own role as paramount rather than being concerned with the total picture as contained in the plans of the States and the Commission. I believe the presence of the Federal member on the Commission and the veto on plans and projects which he possesses is adequate to protect the interests of the Federal Government.

Therefore, I intend to propose the appropriation of funds directly to the Appalachian Commission in order to do the tasks required by the Congress and at the same time better facilitate the objectives of the Appalachian Act.

Mr. President, I have emphasized the organizational aspects of the Appalachian program. However, the means by which a job is done must be a primary concern for the Congress. In many instances, I have seen programs enacted only to find a year or two later that very little was accomplished. But, the record of progress being compiled by the Appalachian Regional Commission offers real promise for the people of the region. Performance is the test by which it will be judged.

Mr. President, the Appalachian Regional Development Act, in response to congressional mandate, has provided the progress intended by its provisions. The purpose was worthy. The performance record is good.

EXHIBIT 1

CREATIVE FEDERALISM AND THE GREAT SOCIETY

(By Max Ways)

(NOTE.—There's much more to L.B.J.'s domestic policies than meets the eye. Government is learning from modern business that, when it comes to problem solving, power belongs out where the know-how is.)

As the huge program enacted by Congress in 1965 moves into action, U.S. history is making a major turn from the politics of issues to the politics of problems, from an emphasis on need to an emphasis on opportunity, from struggle over the redistribution of what we have to the less crude and more intricate decisions about what we might become.

Salient features of the new package include aid to education, medicare, and expanded Federal activities in the health field, urban renewal, and scores of other efforts to improve the physical environment. Since many of these topics have a long and embattled past in public discussion, some observers try to force the present programs into the mold of yesterday's debates. They see the new programs simply as another surge in the drive begun thirty years ago to expand the Federal Government's share of total power in order to right social wrongs. When the Johnson program is put into that context, liberals automatically applaud it and conservatives automatically denounce it. Both are missing the point.

They fail to recognize that a fundamental break with the welfare-state trend occurred when this society made a different assessment of its own vigor. A new confidence in opportunity began to be reflected in politics 15 years ago and was a factor in both of the Eisenhower elections. Although John F. Kennedy's 1960 campaign included appeals to the older kind of politics, his statements and policies as President seldom moved back toward the assumptions about U.S. society that characterized his party's dominance between 1933 and 1952. Lyndon Johnson even more explicitly has founded his administration on the premise that U.S. society in general is exceedingly lively, increasing its rate of innovation and expanding its range of opportunity.

Two events early in Johnson's administration indicated his commitment to this premise. One was the way he argued the case for the income tax cut that Kennedy had proposed. Both Presidents, and especially Johnson, made it clear in the tax debate that they regarded the private economy, and not the pump of Federal spending, as the main engine of economic growth. The second event was Johnson's Great Society speech at Ann Arbor in May 1964. In some quarters this address has been misread as a threat to impose upon the U.S. future a Federal Government blueprint of what the Great Society ought to be.

But this interpretation is contradicted by the speech itself and Johnson's subsequent policies and words, including his 1964 campaign speeches. At Ann Arbor he was expressing, in his capacity of national leader, a bolder view of the prospect before the Nation, the widening range of choice presented to all its people and all its institutions, public and private. Toward the end of the speech, he suggested that the Federal Government would have an important part to play in the quest for a better future. Neither then nor later, however, did he intimate that the Federal role in the decisions ahead would be dominant or that Washington could supply the superior wisdom.

Along with the new assumptions of vigor in U.S. society came a new way of organizing Federal programs. At Ann Arbor and on five public occasions since then, Johnson has used a phrase, "creative federalism," that has not received the attention it deserves. Federalism means a relation, cooperative and competitive, between a limited central power and other powers that are essentially independent of it. In the long American dialog over States rights, it has been tacitly assumed that the total amount of power was constant and, therefore, any increase in Federal power diminished the power of the

States and/or "the people." Creative federalism starts from the contrary belief that total power—private and public, individual and organizational—is expanding very rapidly. As the range of conscious choice widens, it is possible to think of vast increases of Federal Government power that do not encroach upon or diminish any other power. Simultaneously, the power of States and local governments will increase; the power of private organizations, including businesses, will increase; and the power of individuals will increase.

Creative federalism as it is now developing emphasizes relationships between Washington and many other independent centers of decision in State and local government, in new public bodies, in universities, in professional organizations, and in business. This characteristic of the new programs is part of a rather belated application to government of the organizational habits developed by modern business. While everyone has been watching the influence of Government policies on the economy, the impact of the economy's strength and its mode of organization have been quietly altering the way the Government works. Tens of thousands of professional and managerial types, in and out of Government service, are shaping and executing Great Society programs. This is as it should be, for professional and managerial men are preeminently oriented toward direction choosing and problem solving within a complex framework of many centers of decision.

This new outlook in Washington is the deepest reason for the rapprochement, during the Johnson administration, between Government and business. The two still have and will always have different responsibilities and aims. But they are beginning to use the same working language, depend on the same kinds of people, and get at tasks and decisions in the same way. More than administrative style is involved in this Washington shift. The whole framework of U.S. politics is changing.

THE OLD POLITICS AND THE NEW

Many observers have noted disparagingly that the Johnson program—with the significant exception of civil rights—does not generate much public "excitement." Those observers are conditioned to expect a certain kind of political excitement that arises when classes or other broad groups in a society—each armed with principles of ethics, justice, constitutional law, or ideology—clash over whether Government power should be used to achieve or retain a group advantage. The 20th century, at home and abroad, has produced so many exciting political conflicts of this sort that they have come to be considered as the whole of politics and even, perversely, as desirable.

The Johnson program's relative lack of this sort of exciting conflict should be read as a clue to its fundamental novelty. Civil rights, the single domestic issue that today creates the familiar kind of popular excitement, points up the contrast between the old politics and the new. The drive for Negro equality invokes principles of justice and ethics in demanding that the weight of Government be employed to do for one large group what society itself has conspicuously failed to do. Government can do little for Negroes as a group without hurting (psychologically, if not materially) many whites most directly affected by such measures as school desegregation. When Government must decide how far it will go in taking cherished advantages from one group in the course of helping another group, an exciting political issue arises.

Most issues of the 1930's had this same characteristic of taking from group A to give to group B. Indeed, a class redistribution of income and power was one of the stated aims of the New Deal. Thirty years ago belief was widespread that the U.S. economy was mature, that a large and increasing proportion of all social initiative would have to be exercised through the Federal Government, that the hope of progress lay in the enlarged Federal power to take from the economic royalists and give to the underprivileged. In the struggle arising from such beliefs the political positions called radical, liberal, and conservative jelled into their present meanings.

The Johnson program does not fit any of these molds. Except for the special case of the Negro, every group is now believed capable of advancing under its own steam. Consequently, the old welfarist arguments for Government intervention lose some of their force and urgency while the newer problem-solving approach comes to the fore.

Medicare, when it was first seriously debated in the 1940's, was presented with an emphasis on what the young owed to the old and, especially, on what the fortunate owed to the unfortunate. Today the viewpoint has shifted. It is now recognized that this society as a whole has a problem of paying for the greatly enlarged medical services now available to the aged; medicare is put forward as a device to deal with the problem. Similarly, the programs to improve education, clean up rivers, beautify highways, and reduce air pollution are not struggles between broad social groups. And they are not ideological issues. They are efforts to deal with problems by a society that is becoming increasingly confident of its problem-solving ability.

Specific Federal programs derived from this new approach may be good or bad, valuable or wasteful, disruptive or constructive. Each will certainly require close public scrutiny of its conception and execution. There will be plenty of chance for criticism and opposition when we learn to look at these programs in the context of the new politics. But effective criticism and opposition will not develop from the old yammer for or against any extension of the Federal Government's scope.

WILL THE PARTNER STAY JUNIOR?

Those Washington officials now busily setting up the programs like to describe the new roles for the Federal Government with the phrase "junior partner." An easy cynicism, bred of past conditions, is quick to suspect that this junior partner means to enlarge his scope until he takes over the shop. But an examination of the new programs in detail shows this cynicism is misplaced. These programs are so designed that they will work only if the "senior partners"—i.e., elements of the society other than the Federal Government—continue to grow and innovate vigorously. If that hope is disappointed, the Federal "junior partner," instead of increasing his power, will be in trouble with the electorate.

Because the Washington junior partners are aware of this danger, "creative federalism" includes a deliberate policy of encouraging the growth of institutions that will be independent of and, in part, antagonistic to the Federal Government power. Almost every part of every new program transfers Federal funds to some outside agency. Nothing will be achieved if the recipients—universities, State and local educational authorities, hospitals, medical schools, and poverty program councils—merely become subservient arms directed by the central Federal power. Tension between Washington and other independent centers is required by the whole body of experience out of which the notion of "creative federalism" comes.

This way of doing things entered the Government by osmosis from corporate management. Big corporations have been getting bigger, but executives are increasingly and justifiably impatient of outside criticism that, using the language of 50 years ago, attacks corporations as "monolithic" concentrations of power in a few hands. From the inside of any great corporation it is obvious that top management spends a great deal of its time trying to enlarge the responsibilities and strengthen the initiative of other power centers within the corporation. Such policies are pursued in the face of certain knowledge that the multiplied and strengthened power centers will develop troublesome tensions with top management and with one another. Top management does not pursue this "polycentric" policy out of altruism or masochism. It does so because the complexity of modern knowledge, reflected in the complexity of organized action, demands that much of the decisionmaking be decentralized.

Not only is a high degree of local autonomy required but, even more significantly, a high degree of professional autonomy. Engineering decisions have to be made by engineers. Accountants, architects, artists, and xerographers acquire similar "states' rights."

Yet it is not correct to assume that the overall trend in modern organization is toward decentralization. Complexity has two sides: while specialization decentralizes interdependence centralizes. The art of modern management consists largely in discovering what to centralize and what to decentralize, and in constructing the channels through which information and decision, generated at many levels, flow. An old-fashioned "captain of industry," an industrial absolutist of the Henry Ford type, would be driven screaming into the night by the restraints and complexities of modern corporate "federalism." But it works.

Those business executives who still see in recent Washington trends only a further expansion toward "absolute government" are as blind as those critics of big business who go on mouthing warnings against "monolithic" corporations. These business executives are doubly blind, because in the new Federal patterns they do not recognize their own children.

The new patterns first entered Washington at the point where the connection between government, advanced business, and science is most intense—the Defense Department. During World War II, teams of analysts began to apply techniques of "operations research" to military decisions. In the postwar period this approach spread to analytical comparisons of "weapon systems" by methods that worked back from battlefield value to factory costs. Secretary of Defense McNamara made the Pentagon a link in an informational and decision-making process stretching from White House policy decisions through prime contractors to thousands of subcontractors.

No one can calculate whether the vast activity we call defense is more or less centralized than it was in 1960; and the answer, if we had it, would not be very important. What matters is that the total system has a more rational and a more effective way of relating the parts to the whole. There is a conscious, unceasing effort to ensure that any given decision will be made at the most appropriate place—high or low, in Washington or out—and on the basis of the best information.

ROADS FOR THE HILLBILLIES

Many Great Society programs are marked by an emphasis, similar to that of the Defense Department, on "cost effectiveness."

Take, for example Appalachia. The casual reader of the news may assume that the program for stimulating this backyard region is just another dribble of welfarist pap from the Washington udder. The casual reader will be wrong. And he will be missing one of the most interesting of recent political innovations.

The act of Congress creating the program contains a remarkable clause: within Appalachia Federal funds are to be "concentrated in areas where there is a significant potential for future growth, and where the expected return on public dollars invested

will be the greatest." This method of allocation runs counter both to the old congressional pork-barrel system and to the welfarist system that allocated funds on the basis of "need." Appalachia's "need" is such that the $1.1 billion authorized by Congress would be frittered away if it were concentrated on the neediest hollows, the deadest hamlets, and the most eroded hillsides.

By making the greatest investment potential its basic criterion, the Appalachian Act directs the program to concentrate in another way. Within Appalachia there are, right now, a number of economically vigorous towns that may be stimulated to greater growth. There are other areas where local initiative and private enterprise can make a case for a high potential return on investment. The new criterion of public spending leads the men in the Appalachian program to talk in businesslike terms about market analysis and plant-location strategy rather than in terms of social work. John L. Sweeney, Federal cochairman of the Appalachian Regional Commission, does not try to wring the reporter's heart with statistics of beriberi and illiteracy in Appalachia. Instead, he makes his pitch like a chamber-of-commerce secretary, about how Appalachia, lying between the two great markets of the United States—the eastern seaboard and the Great Lakes complex—may have a glittering economic future.

But how will concentration on the growth counties of Appalachia help the people of the back hollows? How can it relieve them of the grim choice between continued poverty and psychologically disruptive migration to Chicago, Detroit, and other great industrial centers? In answer, Sweeney turns to a map. A large proportion of Federal funds for Appalachia will be spent to aid the construction of a road network that would allow the hill dwellers to live in the land they love and commute by bus or car to jobs in the growing centers of the region. Motorized transit offers the possibility of large labor pools without a megalopolis.

One danger of all this is that the Federal Government, in moving away from welfarist standards, will find it has let in the seven worse devils of rigid central planning. But the Appalachian program is set up in a way that minimizes this danger. The key power center is not Sweeney's office but a commission made up of the Governors of the 12 Appalachian States. States' counties, towns, colleges, and private businesses have already been stimulated to compete in presenting to the commission proposals based upon the test of "greater potential." If this local initiative continues to wax, Federal coordinating functions will be a small part of the total activity. If the local initiative subsides there won't be anything worth coordinating and the Appalachian program will be a clear-cut failure. In neither case will Washington have increased its "control" of Appalachia.

TENSION AT A HIGH LEVEL

The same organizational principles can be seen at work in the Government's relations with one of the most advanced sectors of U.S. life, higher education. John W. Gardner, the recently appointed Secretary of Health, Education, and Welfare did much shrewd and unconventional thinking about this subject when he was head of the Carnegie Corp. of New York. Over a year ago in a speech to university people he took aim at the familiar charge that the flow of Federal money to universities represents a dangerous increase in Federal power and a threat to academic independence. He pointed out that there was another side to the story. "To the old-time Federal official used to a world in which Government funds were spent for purposes defined by Government and administered by hierarchically organized departments under complete Government control, the new trend looks like a grievous loss of Government power," he said. "Wherever he looks, he sees lay advisory bodies recommending how Government money shall be spent, and he sees nongovernmental organizations spending it."

A Government agency, because it is accountable to Congress and the taxpayer, wants to define quite precisely what is to be done with public money that it hands over to a university research project. The university, accustomed to the notion that science works best when it is free of externally imposed conditions, resists the definitions, restrictions, and reviews insisted upon by the agency.

Gardner has urged university people to give more sympathetic understanding to the Government view, and he has urged Government officials to see the university view. But he does not believe—and this is the important point—that the tension between them will or should disappear. "Actually, there is some advantage to the public interest in keeping a certain adversary quality in the relationship."

This thought gets close to the heart of "creative federalism." In the context of modern knowledge and work, whether we are talking about business or Government, the overall degree of centralization or decentralization is seldom an interesting or useful question. What matters is the quality of an ever evolving process of deciding which functions to centralize and which to decentralize.

TOWARD A LIVELIER SCHOOL SYSTEM

"Creative federalism" is also conspicuous in the hugely expanded federal program of aid to primary and secondary education. Some redistribution from the prosperous to the poor is involved in this program since Federal tax money, collected mainly from a graduated income tax, will be spent at a higher rate per pupil in poorer school districts. But this was not the central motive for enacting the new education program and is not the dominant idea of the administrators in Washington.

Two main motives have converged to increase Federal aid to schools. The first is the widespread belief that the next 30 years will see a rapidly increasing national need for better educated men and women. Economists believe this. Business executives, now running into skill shortages, believe it. PTA groups believe it. And it is almost certainly true. The second idea, held by many educators, is that techniques of teaching now stand on the verge of a major breakthrough into greater efficiency and improved quality. Clinical psychologists have demonstrated the lifelong importance of stimulating the learning processes of children under 6. For all age groups, radically new teaching materials—movies, closed-circuit television, programed learning, recording devices—suggest that important advances may lie around the corner. How long it will take to turn the corner will depend partly on how much research and development is done in educational methods.

The Federal Government has no solutions to educational problems—and no particular competence in finding solutions. It has no set educational philosophy or policy to sell, and does not expect to develop such a policy. Those who hope and those who fear that the Federal Government is about to "take over" the schools are both off the track. The official expectation is that a heavy infusion of Federal funds entering the educational scene will further stimulate innovation and improvement at those points—nearly all outside the Federal Government—where educational innovation can actually be made.

A very large measure of control over the spending of Federal funds will be in the hands of State departments of education and local school boards. Congress even appropriated a small but significant sum for the purpose of strengthening State departments of education, some of which are now too professionally feeble to carry out the independent functions that the spirit of the program requires of them. Many local school boards, superintendents, principals, and teachers will find, if the Federal aid program works as it is supposed to, that they will have new budgetary elbowroom to develop their own initiative. Following the 1965 act, the Office of Education has invited local school boards to submit experimental projects, the most promising of which can be supported by Federal funds.

Until a few years ago there was scandalously little professional interest among university scientists and scholars in the quality of elementary and high school teching. Lately there has been a great ferment, of which "the new math" and the new high school physics course designed by Prof. Jerrod R. Zacharias of MIT and his associates are the best known products. The Federal research program is designed to spread and stimulate this ferment.

The U.S. Office of Education won't do any of this research and it won't be able, even if it so wished, to exercise a tight control over research. Scholars and scientists will insist that they be given a rather free hand. Moreover, when any piece of research is finished, its conclusions are not going to be put into practice unless local administrators and school boards are impressed. Some proposals will be tried out in one State, some in another. Federal aid can help create a livelier network of professional information and evaluation—a "market," that is—in which the relative merits of educational innovations can compete more actively. Markets, of course, are far from infallible; but they are fundamentally different from decision-making by centralized control. The marvel is that this marketlike competition for forming educational policy is the one that now appeals to the people we are accustomed to call "educational bureaucrats."

WHO WILL CART THE GARBAGE?

Research and its more costly brother, development, turn up at point after point in the wide spectrum of enlarged Federal activities enacted by the 1965 Congress. A small but interesting example is the Solid Waste Disposal Act. Hah, cry the alarmists, now the Federal Government is going into garbage collection; the last rampart of local autonomy has been stormed. But maybe not.

The technology of a nation that can put men in space may discover a more efficient manner of garbage and trash disposal than burning it, or dumping it, or hauling it by scow to the open sea—which will wash it up on the beach of some other municipality. Cities struggle along with one method or another, and few of them can afford a thoroughgoing R. & D. project to find better ways of coping with the garbage and trash explosion. New ideas for solid-waste disposal will have to be tried out in practice, and in the trying it may be desirable for Washington to make a grant to some city willing to be, if one may put it so, the guinea pig.

Similarly, we have Federal programs for research into the causes of crime and delinquency and into better methods of transmitting information on suspected criminals. These do not necessarily imply that Washington is about to take over all the police work of the Nation. We will not necessarily be forced to choose between the Keystone cops and the police state.

Health, including medicare, is the largest single category of increased Federal spending projected by the 1965 legislative program. The fact that there is now a huge and increasing population over 65 years old represents medical triumphs in saving lives at all age levels. The public has shown its appreciation of the improved quality of medical care by increasing its payments for such

services from a level of 4 percent of disposable income to 6 percent. Part of this increase represents the fact that "unit costs" of medical care have been rising somewhat faster than other costs. But in the main, the increase to the present level of nearly $30 billion a year indicates that the public has decided that medical care is worth more than it used to be.

For the aged, especially, there are now many opportunities for treatment (e.g., the removal of eye pupils in cataract cases) that did not exist a generation ago. Once such treatment becomes medically feasible, this society raises its standards of what it considers essential. Lack of money, it says, must not be allowed to stand between an aged person and a chance to preserve his eyesight. Even though private health insurance, pension plans, and individual savings have expanded rapidly, they lagged behind the new standards of minimum medical service to the aged. In a problem-solving society medicare was seen as a way of closing a gap that medical progress had opened up.

Unquestionably, medicare will throw a new burden of demand on medical services that are already overloaded. Recent Federal legislation provides funds to encourage the expansion of medical and nursing schools.

THE AMA SHIFTS ITS GROUND

Meanwhile, there may be opportunities to increase further the productivity and quality of medical services. To explore some of these opportunities a Presidential commission headed by Dr. Michael E. DeBakey of Baylor University proposed Federal aid for an elaborate system of regional centers for the treatment of heart, stroke, and cancer cases. The American Medical Association did not like DeBakey's plan, but in this case the AMA avoided the all-out ideological attack that had characterized its unsucessful opposition to medicare. Congressmen, sitting down with AMA leaders and Federal officials, greatly modified the DeBakey plan into a setup that many doctors believe will work. Federal funds will be used to strengthen the professional networks that now run between practicing doctors and the great centers of medical research. In order to take advantage of the best medical knowledge, a patient in a small town will not have to be transported to a great teaching hospital; relevant information can be brought to his bedside by closer, quicker connections between existing research centers and local hospitals.

This is not a bricks-and-mortar program; Congress authorized no funds for new buildings. The goal, improved channels of communication among the doctors of a region, obviously can be sought only with local doctors in control of the program. The Federal fund dispensers can suggest procedures and can relay information from one region to another. They can deny funds to regional projects that do not meet the very flexible requirements set up by Congress. But the weight of authority will have to lie in professional organizations. Fifteen years from now medical practice will undoubtedly be organized quite differently, but it is not unreasonable to suppose that 99 percent of the decisions shaping the changes will continue to be made at points outside the Federal Government—even if, as is also probable, Federal activity in the health field expands.

THE CITY IS A PROCESS

In 1965 the Federal Government acquired a new Cabinet-level Department—Housing and Urban Development. Over the last 20 years, as the problems of the cities have become more formidable, there has been a change in how we think about these problems. This new way of seeing the urban challenge works against the danger that the Federal Government will "take over" the cities.

A generation ago, "slum" had a simple, physical meaning. It signified a group of buildings that were overage, overpopulated, and underequipped. That simple meaning implied a remedy, which is now understood to be inadequate; "slum clearance" and "public housing" would replace bad buildings with better buildings. All that was required was money and the Federal Government had it. In a program so conceived there would be some—but not much—inherent need for local decisionmaking and local initiative. Federal housing on this model made some—but not much—improvement.

"Slum" today signifies a complex in which such elements as the quality of education and the morale of inhabitants are more important than the buildings themselves. Moreover, a slum is not thought of as an isolated "blighted area" that can be quarantined and dealt with independently of the rest of the city. We are now aware of "gray areas," which may be degenerating into slums faster than bulldozers can level old slums. From this and similar observations we have come to look upon the city as a process to be improved rather than as a production to be altered.

As any manager knows, improvement of a process requires analysis of how its parts affect one another and how they can be better coordinated to obtain the chosen objectives. It is simply unimaginable that in any given city the Federal Government can play a major role in such coordination. The problems are, city by city, so unique that local coordination and local initiative must be the determining elements. Experience bears this out. Philadelphia, New Haven, Boston, are cities where urban renewal is making huge strides because bubbling local initiative and increasing professional competence make effective the spending of Federal and other urban renewal money. By contrast, New York lags, not because it has been out of favor with Washington fund dispensers, but because it has lacked the local political and business leadership, which is more important than money from Washington. Members of Congress—relics of the old politics—who promise to "do more" in the way of increasing the flow of Federal money to such laggard cities as New York will continue to be helpless until local initiative develops.

Urban renewal, far from being an extension of the "monolithic" Federal Power, has created or revived a host of local organizations, which have become centers of influence on reconstructing the process of living in cities. A Philadelphian involved in the revival of that city said: "Citizens organization is the principal phenomenon of this town." In other words, Federal housing money in Philadelphia helped to create and strengthen decision-making centers that lie outside of Federal control.

THE NEW LIMITS ARE PRACTICAL ONES

It is as true today as it ever was that a free society must be vigilant against concentration of power in a few hands. It is also true that in the 20th century many national governments, using humanitarian slogans, have tended to squash the sphere of local government and constrict the scope of private organizations and individuals. The United States has not been immune to this trend. Twenty-five years ago, State and local government in the United States was anemic, and predictions—some approving, some despairing—were widely made that the Federal political system must be transformed into a unitary national system on the British or French model. Twenty-five years ago the dispersed and competing power centers of private enterprise were being cramped by the encroaching power of Washington.

As resistance to this trend developed, the United States seemed to be in a struggle between what was politically practical and what was, by traditional interpretation, constitutional. The traditionalists lost ground steadily until it became much harder to see the tidy pigeonholes into which Americans used to separate what was private, what was governmental, what was State, what was Federal. Today the scope of Federal action cannot be specifically defined by categories (that is, defense and foreign affairs). The Federal Government may have a proper function in almost any field of action. This change raises a question: can a central government that has massive roles in business agriculture, schools, health, and even perhaps, garbage collection truly be described as a "limited federal government?"

The answer, oddly, is "Yes." The new limits on Federal power have been imposed by political practicality. Ironically, the popular hunger for progress that seemed to generate a threat to limited government has come to the rescue of limited government. An electorate that began to expect real results—and would not be fobbed off by such psychological titillations as "soaking the rich"—pressed political leaders toward more effective modes of action. These modes turned out to put a heavy practical emphasis on State and local government, on business freedom, on the market as a way of making economic decisions.

If in January 1956, anybody had forecast a Federal Government budget of $175 billion by 1976, his prediction would have been taken to mean that more and more power would be concentrating in Washington. Today we can view the same prediction against a projected background of a 1976 gross national product of over a trillion dollars and understand that Federal spending at $175 billion would take a smaller share of total national activity than the present budget does. Today we are less interested in the size of the total Federal budget than in the relative "cost effectiveness" of the programs that make up the budget. The old public sector versus private sector argument is giving ground before a rising interest in good management, both Government and private.

CONSTRUCTIVE WORK AND OUTDATED ORATORY

Lyndon Johnson as Senate majority leader in the Eisenhower years showed that he sensed the new political framework. He muted the strident ideological slogans that had dominated his party in the years 1933–52 because these class struggle slogans in a rapidly progressing country were losing their appeal. As President, his much-derided insistence on "consensus politics" is in part a shrewd recognition that "issues" are no longer central. Knowing that his new programs will be judged more by what they accomplish than by the good intentions of their authors, he has warned administrators to build these programs soundly rather than quickly. Even so, several of the new programs—notably the war on poverty—have run into serious organizational difficulties. Johnson's fundamental difficulty is that many leaders of his party are still stuck in the old framework where ideology counted more than good management.

Many Republican leaders are also stuck there, still firing irrelevant ideological guns at a target area from which the enemy is decamping. The great Republican political asset for the future is its hold on a high proportion of the managers and professional men whose skills are especially needed in the conception, execution, and criticism of the new type of governmental program. Use of this asset requires close engagement with the new programs at local, State, and National levels. Beneath the surface of the last congressional session some exceedingly important work was done in improving Great Society measures proposed by the executive branch—and Republicans made a contributions to this improvement that has been somewhat masked by the party's own outdated oratory.

All through the postwar period, partisan political debate has lagged behind the rad-

ical change, generated outside politics, that has been sweeping through U.S. society. This accelerating rate of change, which appears to be a permanent condition, posed a challenge to the fundamental American political institutions. We are now emerging—successfully—from this period of challenge. In a way that was hardly conceivable 25 years ago, U.S. democratic institutions have proved flexible and adaptable and are becoming, once again, the objects of envy and admiration by discerning men in other countries. The American political genius is moving through creative federalism toward new ways of expanding individual choice while maintaining social cohesion.

Mr. COOPER. Mr. President, this afternoon the senior Senator from West Virginia has given an outstanding review of the progress of the Appalachian development program.

Senator RANDOLPH has fought long and hard for measures to bring employment and opportunity to the people of the Appalachian region, and to the people of the Nation, and he deserves our commendation. I have been privileged to work with him on many bills—and particularly on the development of the Appalachian Regional Development Act—in the Senate Committee on Public Works, where we serve together.

I need not repeat the story of the Appalachian Regional Development Act. It was discussed at length in debate in the Senate in 1964, and again in 1965.

I was very proud to be its chief cosponsor, with Senator RANDOLPH and to help manage the bill on the floor of the Senate. In recalling that debate, I remember some of the facts supporting the need for the program.

In my State—Kentucky—the Appalachian counties had declined in population between 1950 and 1960. At the same time, these counties were spending large shares of their tax revenue for education, but there were great difficulties in the region because of the loss of population and the low tax base.

The Appalachian Regional Study Commission, appointed by President Kennedy, had found that two-thirds of the housing in eastern Kentucky needed improvement to meet the standard reached in the rest of the country. In the rural counties, where over four-fifths of the people in eastern Kentucky live, the Commission survey established the great need for basic public facilities for development and employment and health.

A great number of people of all ages were unemployed or underemployed. The population under 21, and over 65, was much greater in most of the counties than elsewhere in the United States.

The Congress enacted a bill to help meet the needs of this situation. The enactment of the program has brought hope, and while it does not bring immediate solutions of all problems it has provided an effective beginning.

I think it is fair to say that the program has progressed more rapidly and with more effectiveness than have many other new programs. Last week, Senator RANDOLPH and I spoke with a group of citizens from various communities in eastern Kentucky and West Virginia, and from eastern Tennessee, and we discussed the program and some of the frustrations that occur.

It is my feeling, which I expressed, that in such a program there must be a time of gestation and trial and error. After the program is underway, its work will be made more effective, with a minimum of wasted effort and resources, and with greater achievement.

Thus far, as my colleague from West Virginia has noted, the successful operation of the program can be said to rest in great degree on the joint responsibility shared by the States and the Federal Government. In the first year and one-half of the program, the Appalachian Regional Commission has done good work with a relatively small staff.

The member States and their Governors, working with the Federal Cochairman, Mr. John L. Sweeney, and the staff of the Commission have established a unique and productive operation. This was the kind of joint responsibility and cooperation the Public Works Committee had in mind in the development of this legislation.

I join with my colleague from West Virginia in paying tribute to the Federal Cochairman of the Commission, Mr. John L. Sweeney, for his very able service both in his present position and, earlier as Executive Director of the President's Appalachian Regional Commission. He has done much to recognize and support the Federal-State relationship, and he has worked steadily to carry out the letter and the objectives of the act.

I am also pleased that a Kentuckian, who has ably represented my State and its Governor on the Appalachian Commission, Mr. John Whisman, has recently been selected by all of the Appalachian States to represent them in the daily operations of the Commission and its staff. Mr. Whisman has long been a leader and worker for the development of Kentucky, and as one born in eastern Kentucky, knows its problems and the needs of our mountain States.

I think it is important to note also that Mr. Sweeney, as the representative of the Federal Government, has never found it necessary to use the veto power available under the Appalachian Act, and that every major action taken by the Commission has been by unanimous consent of the States represented. This is evidence of careful planning and consultation, and of the value of the projects approved.

The Commission acted promptly and, I believe, wisely in the selection and designation of the development highways to be constructed in the region. The act authorized 2,350 miles of development construction, and 410 miles are located in Kentucky. The impact of these roads will be large, as they cross eastern Kentucky opening the area for commerce and travel, for tourism, and the enjoyment of its people.

The coal industry remains the source of largest income in the area, but with its mechanization, and consequent reduction of working force required—new bases of economic growth are required. The public facilities to support industry must be provided, and the job to be done in Appalachia goes well beyond what we have called industrial development in earlier years.

The needs of this region require expanded efforts in health and education. Every effort must be made to promote retraining and adult education, and we must insure that our schools meet the needs of the school-age population.

I want to note that the State of Kentucky is concentrating its supplemental grant funds, available under the Appalachian Act, on the construction of a system of area vocational schools to serve all of Appalachian Kentucky. Supplemental grants have been requested by the State and approved by the Commission for 13 of these schools, and they will have a total enrollment of 3,207.

The 13 projects approved for construction will be the first of an areawide system of 37 such schools, which it is contemplated, will receive supplemental assistance under the Appalachian program, as Vocational Education Act and local matching funds become available.

The provision of adequate public facilities for education and health have been difficult, with 80 percent of the people living outside urban areas, and this act will help meet these problems in our communities.

The Senate Public Works Committee, and the Congress, included in the Appalachian Act authorization for the construction of demonstration health centers to serve the people who live in urban areas, but also the many people who live in the rural parts of the region. I hope that these facilities can assist in bringing medical services to counties in the region where such service is not now available.

The provision of adequate health care is essential, if people are to live and work in these communities and there is to be opened the level of opportunity achieved in more prosperous areas of America. Facilities must be available to attract doctors and nurses and professional health personnel to towns and counties throughout these States.

The Appalachian Commission has established a Health Advisory Committee to review the health care available to the people of the region and to work toward the establishment of demonstration health centers. Its initial report documents clearly the wide gaps which separate the Appalachian region, and particularly Appalachian Kentucky, from the Nation in the field of health care.

The Health Advisory Committee's report states that the most pressing problem is the critical shortage of doctors and nurses in the region. The Committee notes that while nationally there are 140 doctors per 100,000 population, the Appalachian average is 92 doctors per 100,000, and in eastern Kentucky only 60 doctors per 100,000 people.

The shortage of registered nurses is even greater. The nurse-patient ratio in several of the most isolated counties in eastern Kentucky is 32 per 100,000, against a national average of 300 per 100,000.

I know the great services being rendered faithfully and unselfishly by the doctors and nurses in the hospitals and clinics available, and the Health Advisory Committee will be able to make valuable recommendations for assisting

in the work needed to be done in this field.

I would like to mention briefly some other major parts of the Appalachian program. I want to call particular attention to the land stabilization and conservation program, which is working in 27 eastern Kentucky counties.

I have followed this program closely and with interest, as I serve on the Senate Agriculture Committee which deals with agricultural programs throughout the Nation. In the Appalachia region, the participating farmers are improving their soil and water and forestry resources, and conservation practices are being carried out in connection with established stabilization and watershed programs. Many small farmers are benefiting, and so are their immediate areas.

In another field, water resources development, the special study authorized by the Appalachian Act, is going forward under the U.S. Army Corps of Engineers, through its division office at Cincinnati.

I have attended meetings in our counties with representatives of the Corps of Engineers. Great attention is being given to studies, criteria, and actual field surveys to provide flood control and water supplies for the Appalachian States. The study is to be completed in 1967, and the recommendations will provide a basis for actual work and development.

The States and local communities are also responding to the initiatives of the Appalachian Act. Kentucky offers a good example of this response, and this program and our people can benefit from it.

Last year, a bond issue of $176 million was voted by a margin of 4 to 1 by the people of Kentucky. The funds will be used in part to provide the State's share of the cost of highways in eastern Kentucky, and in the development of its schools and parks in its counties.

In conclusion, I join Senator RANDOLPH in emphasizing that the Appalachian Regional Commission has done well. The Commission has been efficient and responsible, and the States have responded.

The people in the Appalachian counties in Kentucky will derive the benefits sought by the Congress, as will the people of the whole Appalachian region. I would like to see the Commission have the opportunity to present its budget requests in one package in the years ahead, so that the Congress, the administration and the people will be aware of the total effort and impact of the program.

I support Senator RANDOLPH in urging that the next budget include the Appalachian program in one package, and thus enable it to receive consideration through the whole appropriations process. It would allow the appropriation of funds directly to the Commission, rather than through a great many agencies, and I believe this step would lead to greater efficiency.

The Congress wisely put together a number of programs to be administered on a regional basis by this Commission. I do not believe we should run the risk of letting these programs become separated in a few years. I hope that full attention will be given to our proposal when the budget is considered for the next fiscal year.

I join with Senator RANDOLPH in commending the work of the Commission, the leadership of Federal Cochairman Sweeney, the response of the States, and the progress of work under the Appalachian Regional Development Act.

Mr. MORSE. Mr. President, I suggest the absence of a quorum, and ask that it be a live quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 235 Leg.]

Aiken	Hart	Mundt
Allott	Hartke	Nelson
Anderson	Hickenlooper	Neuberger
Bass	Hill	Pastore
Bayh	Holland	Pell
Bible	Hruska	Prouty
Brewster	Jackson	Proxmire
Burdick	Javits	Randolph
Byrd, Va.	Jordan, N.C.	Ribicoff
Byrd, W. Va.	Kennedy, Mass.	Robertson
Cannon	Kennedy, N.Y.	Russell, Ga.
Carlson	Kuchel	Saltonstall
Clark	Long, Mo.	Smathers
Cooper	Long, La.	Smith
Cotton	Magnuson	Sparkman
Curtis	Mansfield	Stennis
Dirksen	McCarthy	Symington
Dodd	McClellan	Talmadge
Dominick	McGee	Thurmond
Eastland	McGovern	Tydings
Ellender	Miller	Williams, N.J.
Ervin	Mondale	Williams, Del.
Fannin	Monroney	Yarborough
Fulbright	Montoya	Young, N. Dak.
Griffin	Morse	Young, Ohio
Gruening	Morton	
Harris	Moss	

The PRESIDING OFFICER (Mr. KENNEDY of New York in the chair). A quorum is present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 13712) to amend the Fair Labor Standards Act of 1938 to extend its protection to additional employees, to raise the minimum wage, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. POWELL, Mr. HOLLAND, Mr. O'HARA of Michigan, Mr. DENT, Mr. PUCINSKI, Mr. DANIELS, Mr. AYRES, Mr. BELL, and Mr. GOODELL were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H.R. 14904) to revise postal rates on certain fourth-class mail, and for other purposes.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

H.R. 1483. An act for the relief of the John V. Boland Construction Co.;

H.R. 1822. An act for the relief of Won Loy Jung;

H.R. 2270. An act for the relief of the Moapa Valley Water Co., of Logandale, Nev.

H.R. 2653. An act to provide that the U.S. District Court for the District of Connecticut shall also be held at New London, Conn.;

H.R. 2681. An act for the relief of Sidney S. Shapiro and Shirley Shapiro;

H.R. 3233. An act for the relief of Emanuel G. Topakas;

H.R. 3999. An act to provide the same life tenure and retirement rights for judges hereafter appointed to the U.S. District Court for the District of Puerto Rico as the judges of all other U.S. district courts now have;

H.R. 5552. An act for the relief of David B. Glidden;

H.R. 6926. An act to strengthen the financial condition of the employees' life insurance fund created by the Federal Employees' Group Life Insurance Act of 1954, to provide certain adjustments in amounts of group life and group accidental death and dismemberment insurance under such act, and for other purposes;

H.R. 7354. An act for the relief of Norman Morris Rains;

H.R. 9824. An act to amend the Life Insurance Act of the District of Columbia, approved June 19, 1934, as amended;

H.R. 11940. An act for the relief of Fred M. Osteen;

H.R. 12315. An act for the relief of Anthony A. Calloway;

H.R. 12884. An act for the relief of John R. Sylvia; and

H.R. 13703. An act to make technical amendments to titles 19 and 20 of the District of Columbia Code.

FOOD FOR PEACE ACT OF 1966

The Senate resumed the consideration of the bill (H.R. 14929) to promote international trade in agricultural commodities, to combat hunger and malnutrition, to further economic development, and for other purposes.

Mr. MONDALE. Mr. President, one of the major subjects of debate yesterday, in our consideration of the food for peace bill, was the extent to which countries like India would really take the hard steps which are absolutely necessary to improve their own agriculture. I feel that my colleagues, therefore, will be interested in the story which appeared this morning in the Washington Post. This story announced that, for the first time, India has adopted a 5-year plan which gives top priority to agricultural development, ahead of the industrial development which was highlighted in the previous three plans.

I ask unanimous consent that this article be printed in the RECORD at the close of my remarks.

For a more detailed description of the many-sided effort which India is carrying out in agricultural improvement, I would refer to the article entitled "All-Out Effort on the Food Front," which appeared in the May 1 issue of Indian and Foreign Review. I ask unanimous consent, therefore, that this article be reprinted in the RECORD at this point also.

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

INDIA SHIFTS PRIORITIES IN 5-YEAR PLAN—AGRICULTURE PUT AHEAD OF INDUSTRY

NEW DELHI, August 29.—India's fourth five-year plan, which envisages a total capital outlay of about $32 billion, will give highest priority to the development of agriculture and increased food production.

This was the first time that the emphasis has been taken from industrial development, which was the theme of the first three plans.

The plan published today should have started in April but has been held up until

now because of uncertainty over foreign exchange resources.

A draft outline of the plan presented to Parliament listed principal tasks for the country during the next five years. They include price stabilization and increased agricultural and industrial production to promote exports and replace imports.

The plan proposes an annual growth rate of 5½ per cent in national income and a rise in per capita income of 3 per cent a year.

Per capita income in India now is about $61.60 annually. A 3 per cent annual increase for the five years would bring it up to about $70.

The plan estimated that $8400 million would be needed in external credits for the five years of which $1700 million will go toward loan repayments.

ALL-OUT EFFORT ON THE FOOD FRONT

India's food shortage has been in the news for some time—this, in spite of the fact that she increased her food production from just over 50.8 million tons in 1950–51 to 88.4 million tons in 1964–65. The increase in population might have offset the gains in food production. But the recent food shortage has had other causes too. The most important of them has been the weather which has generally been adverse for most of the Third Plan period. In 1965, the country was afflicted by one of the worst droughts in recent history resulting in substantial damage to the 1965–66 crops. The behavior of the monsoon was erratic and there was widespread failure of rains in many parts of the country. Among other causes which contributed to the present difficult situation was that the consumption of nitrogenous fertilizers did not go up to the contemplated levels. This was largely due to shortfalls in supplies caused partly by inadequate indigenous production and partly due to shortage of foreign exchange for importing the difference between the demand and domestic supply.

Apart from food imports from friendly countries, what has India done within to face the situation? On the production side, as a long-term measure, it has been decided to adopt a new approach to agricultural effort in the next few years for achieving a higher target of 125 million tons of foodgrains under the Fourth Five Year Plan. This will be attempted not only by continuing and improving programs of agricultural production all over the country but also by a concentration of efforts and resources on a few selected areas that have assured water supply, through the use of high-yielding varieties of seeds responsive to high doses of fertilizers and supported by prophylactic pest control. It is proposed to extend the cultivation of these improved varieties over an area of 32.5 million acres by the end of the Fourth Five Year Plan. Target of area to be brought under cultivation of these improved varieties during 1966–67 is 4.9 million acres for which arrangements for seed are being made. It has also been decided to introduce changes in the cropping pattern. The State Governments have been requested to review the existing cropping pattern to introduce short and medium duration varieties in place of long duration ones and to evolve revised rotation of crops.

To meet the difficult food situation resulting from the drought the State Governments also took many short-term measures in order to achieve a breakthrough on the agricultural front. They undertook an emergency food production drive comprising introduction of additional crops over and above the existing ones in selected irrigated areas, increase in cultivation of subsidiary root crops such as potatoes and tapioca, organisation of vegetable cultivation in urban and suburban areas, increased preparation of farm manure in compost pits and mobilisation of electric and diesel pumps for using flow and surface water through lift irrigation. Under this programme, about 3.9 million acres of additional area were brought under cultivation. In the last two years, a number of measures have been taken to accelerate the pace of developmental efforts with special attention focussed on measures where intensification could yield quicker results, and on programmes not seriously inhibited by the difficulties of foreign exchange. Minor irrigation and soil conservation programmes have been given special attention. An Area Development Programme is being implemented for development of land and for suitable crop patterns for the newly irrigated areas with adequate provision for demonstrations, training, supplies and other facilities. Measures have been devised to make the best use of available facilities, especially the optimum utilisation of untapped water resources. Intensive efforts are being made to extend the use of fertilisers in areas which are irrigated or have an assured rainfall. For making available to farmers fertilisers in time and at places convenient to them, fertiliser godowns are being established at important railhead centres and in rural areas. Special attention is being given for undertaking quality seed multiplication in concentrated areas making adequate certification arrangements. New large-sized seed farms, seed corporations and seed testing laboratories have been set up in various States. The intensive Agricultural District Programmes designed to demonstrate the potentialities of increase in food production through a package approach now cover 16 selected districts of the country bringing more than one million farming families into its fold and covering three million hectares. Under the Programme, appreciable improvements in crop yields have been achieved.

As regards irrigation, 18.1 million acres (7.3 million hectares) of irrigation potential has been created in Third Plan period. Besides, nearly 600,000 hectares have benefited by an emergent programme of lift irrigation. The question of extending irrigation facilities as rapidly as possible has received high priority and efforts are concentrated on speedy completion of a number of major and minor projects. Last year, the Union Government gave additional assistance to the tune of Rs 155 million to the State Governments to accelerate construction work for realising irrigation benefits quickly. To augment agricultural production and to facilitate multiple cropping and intensive use of land, measures have been taken to energise as large a number of pumping sets as possible. In fact, priority has been accorded in the rural electrification programmes to the supply of power for agricultural purposes. The number of agricultural pump sets electrified has gone up to 481,251. About 55 per cent of the villages in the population range 5,001—10,000 has been covered under the rural electrification scheme. Of these, cultivators constitute the highest chunk of electricity users. The average area brought under new crops as a result of electric pumping is 3.81 acres per household. This comes to 15.8 per cent of the cultivated area of the households reporting introduction of new crops. According to present indications, it would be possible to create an additional irrigation potential of 13 million acres during the ensuing Fourth Plan period with a proposed outlay of Rs 8,100 million.

Vigorous efforts are being made to increase production of fertilisers. The existing capacity in both the public and private sectors is 476,550 tons of nitrogen. Another 718,000 tons of fertiliser capacity is under implementation. Besides, 210,060 tons of phosphatic fertilisers are being produced. In the Fourth-Plan period it is proposed to produce 2.4 million tons nitrogen and 1 million tons of phosphatic fertilisers. In order to achieve this target and also to attract foreign participation in setting new fertiliser factories Government have come to the conclusion that greater responsibility should be given to production units and allow them freedom of action in regard to prices and distribution. Accordingly it has been decided that fertiliser projects licensed on or before March 31, 1967, will be free to fix prices of their products and organise their own distribution for a period of seven years from the commencement of commercial production. This will however be subject to the condition that they sell to Government at the latter's option up to 30 per cent of their products at a price to be mutually settled. A fertiliser plant in the public sector with foreign collaboration is to be set up in Madras as an adjunct to the Madras refinery. The project will manufacture urea and complex fertilisers and will have a designed annual capacity in nutrients of approximately 200,000 tons of nitrogen, 85,000 tons of phosphates and such quantities of potash as are deemed desirable. This project is estimated to cost Rs 285.7 million including a foreign exchange component of Rs 144.4 million.

The Fertiliser Corporation of India has now three operating units at Sindri, Nangal and Trombay. Another three projects are under implementation at Namrup, Gorakhpur and Durgapur. With the completion of these projects, the Corporation will develop in the next three years an overall production capacity of 552,00 tons of nitrogen and 45,000 tons of phosphates. Recently the Corporation signed an agreement with an Italian firm for the purchase of license and process of know-how for the manufacture of Ammonia, the basic material required for the production of nitrogenous fertilisers. Under an earlier agreement with the same firm the Corporation had also acquired the process know-how for urea production. The Planning and Development Division of the Fertiliser Corporation has developed its own know-how for many processes of fertiliser production. It now processes the entire know-how for indigenous designing and engineering of complete nitrogenous fertiliser plants. In fact two of the large fertiliser plants in India now under implementation at Durgapur and Cochin are being designed and engineered entirely by Indian engineers. This is a big step forward in attaining self-sufficiency in the field of fertiliser technology and stepping up fertiliser production.

For evolving improved tools and implements for achieving a breakthrough in traditional practices, 17 research-cum-testing and training centres have been established to undertake development and testing of implements. Six State-owned factories and 120 organised major industrial units are now manufacturing improved implements of various types. Training of village artisans is being undertaken in about 39 workshops. Agro-Industries Corporations are being promoted in selected areas in the public sector. Hire-purchase centres and service facilities are also being organised. The expenditure on special development programmes for increasing production and availability of subsidiary foods like vegetables, milk, meat, egg and fish is expected to be about Rs 90 million this year as compared to Rs 29.4 million last year.

An Agricultural Prices Commission was established last year to advise the Government in fixing remunerative and incentive prices for all agricultural commodities. Keeping in view the recommendations of the Commission, minimum prices have been fixed at all economic levels to guarantee the farmer against losses arising out of any undue fall in prices. For securing close coordination of administrative activities relating to agricultural development, agricultural production committees have been set up in States on the pattern of the Agricultural Production

Board at the Centre. The functions of different departments dealing with the various aspects of agricultural development have been largely integrated with a Plan Coordination Section to ensure coordination in the implementation of agricultural plans.

A new orientation has been given to programmes of agricultural research, education, training and extension. The Indian Council of Agricultural Research has been reorganised. All agricultural research work right up to the district levels has been centralised under the control of this body. Functions of the Central and State Research institutes are being streamlined. Agricultural Universities are undertaking combined function of research, education and extension and their activities are being strengthened. Particularly, post-graduate training facilities in all branches of agricultural science and engineering are being substantially expanded. Demonstrations in scientific agricultural practices are being organised on a large scale.

As fish is an important source of food, adequate attention is being paid to the development of fisheries in the country. Significant progress has been achieved in this field. The total fish production in 1964 amounted to over 1.3 million tonnes as against a million tonnes in 1963. The value of exports of fish and fish products reached a record level of Rs 65.3 million in 1964.

The sugar supply position in the country showed some improvement during the year 1964–65 as a result of increase in production. The prices and distribution of sugar were, however, continued to be regulated in order that supplies might be distributed equitably at reasonable prices and a buffer stock built up. The production of sugar during the 1964–65 season reached the record level of 3.2 million tonnes as against 2.5 million tonnes in 1963–64. With a carry-over of only a hundred and fifty-nine thousand tonnes from the previous season, the total availability of sugar during the year 1964–65 was 3.5 million tonnes.

On the distribution side, equally vigorous measures have been taken. For ensuring that the available food is distributed equitably, the Union and State governments have taken several steps, important among them being the introduction of rationing in urban areas and the maximisation of internal procurement. Statutory rationing has already been introduced in several cities. Preparations are in hand for introducing statutory rationing in other towns too. Meanwhile, informal rationing continues in most urban areas and in some rural areas also where distribution is being done through fair price shops whose number exceeds a hundred and ten thousand. The policy of helping the vulnearable sections of population by supplying foodgrains at reasonable prices through fair price shops is being strictly implemented. The quantities supplied through these shops have been stepped up. For mitigating the conditions created by drought, relief works have been started in the affected States by the State Governments, employing nearly two million people. Efforts are being made to provide gratuitous relief to old and infirm people and also to children who are too young to do manual work. Programmes of providing nutritional diet to the vulnearable population in the affected areas are also proposed to be started, especially in the areas where the failure of crop has been relatively greater. Supply of fodder for cattle in the affected areas is also being ensured.

Mr. KENNEDY of New York. Mr. President, the food-for-peace bill, as reported out by the Senate Agriculture Committee, has a disturbing variation from the House-passed bill with respect to resale provisions for Commodity Credit Corporation-owned wheat.

The Senate committee version provides for raising the minimum resale price for CCC-owned wheat to 120 percent of the price-support loan rate whenever carryover stocks are less than 35 percent of total requirements. The House has approved a minimum resale provision calling for a 115 percent minimum whenever the carryover is less than 25 percent of total requirements.

I believe that the House-approved provision is in the longrun best interests of farmers, consumers and the Government.

The United States has a tremendous potential for producing wheat in the years to come. This means that in future years wheat must be competitively priced both at home and abroad if we are to keep the gains of the past few years and prevent a return to wheat surpluses. We must bear in mind that much of the current increased need for wheat is directly related to the food emergency in India. As this emergency eases off, we obviously will need to seek other outlets for our production.

Under the Senate version, CCC wheat could not be sold for less than $1.55 to $1.65 per bushel whenever stocks dropped below 35 percent of requirements. Presently, 35 percent of requirements would be 560 million bushels, since our estimated current utilization is 1.6 million bushels.

This minimum price would dictate a wheat cost of approximately $3 per bushel to millers—and thus to U.S. consumers—when the marketing certificate cost is added. This would mean a continuing price at 120 percent of parity to U.S. consumers for the next 2 or 3 years.

Further, this provision would virtually eliminate any continued use of wheat for feed by completely destroying any possibility of a competitive price relationship with feed grains. This would negate one of the promising provisions of the Food and Agriculture Act of 1965, for it would delay and probably prevent any realization of the objective of that act to put wheat on the same export footing as feed grains and soybeans, with little or no export subsidy. Instead, it would continue to require substantial Government export subsidy outlays and keep the Government cost of wheat for food-for-freedom purposes at high levels.

I hope the Senate conferees will give careful consideration to accepting the House version on this matter as a desirable alternative to the provision which is before us today.

Mr. MORSE. Mr. President, I shall offer a series of amendments to the pending bill, but first I wish to make a very brief statement as to the reason for the delay that is occurring in the Senate this morning.

I had been notified by the leadership that following the pending bill, the Oregon Dunes bill will be made the pending business of the Senate, and I had asked the leadership to put over the Oregon Dunes bill until after Labor Day, so that I might meet, on the coast of Oregon, during the Labor Day recess, with opponents of the bill. It was my hope to discuss with them a series of proposed compromises to which I think consideration should be given. As a result of such meeting, I would be hopeful that we might work out some compromises in regard to the condemnation issue, which is, of course, the bone of contention in regard to the bill, and has been for many years.

In my State, I have taken the public position that in the absence of a showing on the part of the Secretary of the Interior that the law of public necessity is complied with in connection with any particular piece of property, he should not be given authority to condemn; for blanket authority to condemn, given to any agency of the government, is final, to all intents and purposes. The Supreme Court has held, and the law is indisputable, that when the power of condemnation is given to a Federal agency, it becomes final in the absence of a showing of fraud, dishonesty, or arbitrary and capricious abuse of discretion.

Mr. President, in this situation, with public property flying out of our ears in my State—52 percent of the land area of Oregon is owned by the Federal Government—I see no justification for the Secretary of the Interior insisting on blanket authority.

The Secretary of Interior has not talked to me about this measure for 2 years. The Secretary of the Interior has made no attempt to work out an accommodation with me and the property owners affected.

When I asked the leadership of the Senate this morning for the accommodation of postponing action on this bill until after Labor Day, I was refused that permission. That is the right of leadership. However, that puts upon me the duty to do what is necessary within my power to protect the rights of constituents that I think are being wronged by the pending bill.

I would like to have the leadership of the Senate name one senior Senator on the Republican side of the aisle to whom it would refuse such a request. I need say no more for, when war is declared on me, I respond to the declaration.

Mr. President, in an area that involves some 30,000 acres, one and two-tenths of an acre less than 1,400 acres remains in dispute in regard to working out an accommodation.

I had taken the position earlier, months ago, in regard to certain tree farms owned by certain private interests such as the Crown Zellerbach Co., the Sparrow Pacific Corp., and other companies, that there is no justification for condemning that property, so long as those properties were managed on a sustained yield basis with a recreational easement.

I want to say to the chairman of the subcommittee, the Senator from Nevada [Mr. BIBLE], that pursuant to such a proposal on my part, such an agreement was worked out.

I have taken the position from the beginning that the private homes—many of them built by the hands of pensioners and retirees in this coastal area to which they have retired—could not possibly affect the use of the park.

The committee worked out a proposal that is entirely unacceptable. It related to life tenancy and 25 years of tenancy for members of the family. However, that would destroy, of course, the value of fee-simple title. So, what I am doing is fighting for precious private property rights when there is a failure to show that the law of public necessity requires its condemnation.

The transcript of the hearings before the Senate show the detailed testimony I have given in regard to the law of eminent domain which I taught as a professor of real property at the University of Oregon for many years. I do not intend to walk out on my rights, nor do I intend to let the Secretary of the Interior, if I can prevent it, come into my State and through a bill such as this, condemn the private property of citizens in my State in the absence of a showing of public necessity.

The chairman of the committee expressed a willingness to preserve 17 of the private homes. There was a great number involved in the first instance. I appreciate that. It is one of the compromises that I would like to discuss on the coast of Oregon over the weekend.

I think it is a fair compromise on that part of the bill. But, Mr. President, with regard to private holdings in national parks generally, there are thousands of acres of private holdings in existing Federal parks. There are large numbers of private homes in Federal parks. Yet, we hear the representatives of the Department of the Interior talk about precedents. They are afraid of establishing a precedent. There is a list of precedents as long as one's arm, but it is on my side, not the Department's.

The Senator from Florida [Mr. HOLLAND] this morning, for example, pointed out to me in conversation on the floor of the Senate that the Everglades Park eliminated condemnation in regard to agricultural land. The St. Augustine Monument Park eliminated condemnation. As he said, and as I have pointed out so many times, time works wonders.

In my judgment, agreeing to a compromise that I would suggest to the people of my State who are opposed to this bill should be seriously considered. My State is divided on this bill. The pros and the cons are very vigorous on both sides with their regard to their views on the bill.

I would like to propose consideration of a compromise that I have offered to the leadership. It provides for the next 2 years, 1,400 acres of so-called unimproved land, much of which is very valuable land, shall not be condemned, but that there shall be a protective clause that the land cannot be used for anything but its present use. That means that the use of the land could not be changed so that people could come in and unduly enrich themselves during the 2 years by increasing the value of these lands by the building of capital improvements on the lands which the Federal Government would have to pay for—and I emphasize the word "if"—the Secretary of the Interior could show that the lands are essential for the seashore area which, in most instances, he would fall flat on his face trying to do.

Mr. President, one would be surprised at the large percentage of these lands that could be purchased by negotiation in that 2-year period. But after 2 years, the Secretary would be able to come in by special legislation and show that his need for those lands for seashore purposes meets the law of public necessity. Congress could then authorize its acquisition.

What in the world is wrong about that? What is unfair about that? Is it unfair to deny the Secretary of the Interior blanket condemnation authority when so many people in my State are satisfied that he cannot show that the law of public necessity justifies condemning the property?

Any time that the Secretary of the Interior can show a justification for the law of public necessity, the senior Senator from Oregon will vote for it.

I have never taken the position that one single piece of property in this area that is actually needed for the public interest should not be condemned. I have taken the position that much of this property is not needed for the public interest. The proponents of the bill are unwilling to meet this issue.

Mr. President, it is very interesting to note the changes that have been made in the bill over the years that it has been offered. When the bill was first offered, it contained provision for the acquisition of the best and most spectacular dunes on the coast, down in Curry County in my State, but that was dropped from the bill. Why? Because the commercial interests of that county made perfectly clear that they did not want those dunes in the bill. They talked about wanting them for water rights, and my reply to them was that they can always get a water-right easement over Federal property when they can show the justification for it. I am satisfied that they have their designs for the future for other uses of the property.

When one talks about the dunes and the Oregon seashore, most people think of the spectacular dunes in Curry County. But they have been dropped from the bill. The dunes that are left are spectacular, too, but not so spectacular.

I believe that we should have a seashore. Many people in my State are completely against it. In fact, the editor of an Oregon newspaper—a strong anti-Morse paper—called me 2 days ago and said:

> I want you to know that this week we are coming out with an editorial against the whole bill, and we think that the treatment that you are receiving, in an attempt to get a reasonable postponement and a consideration of compromises, is intolerable. Therefore, we are going to fight the bill.

I argued with him. I said:

> Do not do that.

I think that the country is entitled to a seashore area, and I think we ought to have a seashore area; but we ought to have it under reasonable safeguards that protect private property interests, where the property owned by the private owners is not essential to the public interest in becoming a part of the area.

That is all I am going to say about the matter today. I am sorry that we cannot get either a postponement of this bill until after Labor Day or an acceptance of some amendments.

For the last couple of hours, legislative counsel and my office have been trying to work out some last-minute redrafting of language that might be acceptable to the leadership. I am seeking language that at the same time will be consistent with the trust that I owe the people of my State. I have pledged to them to do what I could to protect their fee simple title.

I have no way of knowing whether such an acceptable compromise will come out of the work of counsel today. I hope that it will. I would prefer that such compromises as they may come forth with, and that I may agree to recommend, could first be presented over the weekend, in Oregon, to the opponents of the bill. I have two groups. I have those who are opposed to any seashore area at all, and I have those who are opposed to any seashore area if the condemnation provision remains in. There is room for a reconciliation of their points of view.

Interestingly enough, Mr. President, the proponents of the area are divided among themselves on the condemnation question. One group wants the park plus condemnation. A second group is perfectly willing to have the condemnation provision eliminated.

It would be my judgment that those in the State who have studied this problem would find it quite acceptable to eliminate the condemnation provision along some such compromise suggestion as I have made. But only time will tell.

The editor to whom I referred pointed out that large blocks of this property will be transferred from the Forest Service to the Department of the Interior. The land is already under the recreational control procedures of the Forest Service.

Mr. President, the Forest Service is obviously in a position where it cannot make—or, at least, is not making—public comment. Of course, it is not making public comment because the administration has supported this bill. I cannot imagine the Forest Service objecting to the transfer of the forest lands to the Department of the Interior.

But let me say that in my State I hear no criticism of the administration of these lands in this dunes area by the Forest Service. There is complete public accessibility. In fact, my State is the only State in the Union in which the State owns its coastline. Every foot of the coast between low tide and high tide is owned by the State of Oregon. That is due to the farsighted wisdom of a Democratic Governor back in 1910 by the name of Os West, who had the legislature pass a bill, which he signed, that really makes the coastline a public highway.

We have no problem of accessibility here, either. We have no problem of the need of land such as exists with respect to the Indiana dunes case, of which I am a cosponsor, which includes

condemnation; and some of the proponents of this bill have tried, but they have not succeeded in my State, once the fallacy became recognized.

They have charged me with some kind of inconsistency, in that I am for condemnation in the Indiana Dunes case but I am against condemnation in the Oregon dunes case. And that is right. But in the Indiana dunes case there is no public property. In the Indiana dunes case there can be no park unless private land is taken. That makes an entirely different case, from the standpoint of eminent domain, as the former Attorney General of the United States, now presiding over the Senate, knows. If a park is needed and only private land is available, then the law of public necessity must be complied with, if the need for the land can be shown.

No one disputes the fact that in the Indiana dunes area, so close to the great metropolitan areas of that part of the country, a public park is needed. That is why I cosponsored that legislation.

My opponents cite the Cape Cod case. In Cape Cod it was necessary to take private land in order to have an adequate park.

But in the Sleeping Bear case, in Michigan, the Senator voted against the legislation, for exactly the same reason that I am urging the elimination of condemnation in the Oregon case. There was no need to take any land in Sleeping Bear in order to have an adequate Federal park. There is no need to take any land in the Oregon Dunes area in order to have an adequate Federal seashore area, for there are thousands of acres of surrounding land, owned by the Federal Government, that is not being taken; and I have already pointed out a large part that was dropped from the bill in the first place.

I have made these remarks, Mr. President, because I want the Senate to know why we are moving at a snail's pace in the Senate today. There is needed a little time to make certain that there is full and adequate reflection on the parliamentary situation that confronts the Senate. I have been here long enough to know that sometimes the passage of a little time opens the window so that a fresh breeze of reasoning returns to the Senate.

I presented during the hearings a detailed discussion of the law of eminent domain, and the cases, including Supreme Court cases, on the subject.

When the leadership says, "Let them vote," I say: You know how they are going to vote in these closing rush days of a very difficult session of Congress. I speak respectfully, but out of experience. What is in the RECORD is not going to be read by very many in the Senate, but when the vote bell rings and Senators come to the floor of the Senate, the Senate aids will be there to advise them that it is an administration vote and the vote is "yea." I do not intend to stand by and permit the people of my State, who have me here to protect their rights, who are opposed to the bill with the condemnation provision in it, to be subjected to what I consider to be that kind of inadequate consideration of the bill.

I am still hoping that we can work out an acceptable adjustment of our differences in regard to it. I think we would have a better chance of doing it after the Labor Day recess. I can bring back from Oregon the viewpoint of opponents of the bill as to the compromises I would like to suggest to them, but having thus far been told that that accommodation will not be made available, I have no other course of action than to make the fight I intend to make to protect the interests of my State.

Mr. President, I shall await with patience the results of the work of the legal concern with respect to instructions I have given them for a series of proposed compromises. I suggest the absence of a quorum, and ask for a live quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll and the following Senators answered to their names:

[No. 236 Leg.]

Aiken	Hart	Mundt
Allott	Hartke	Nelson
Anderson	Hickenlooper	Neuberger
Bass	Hill	Pastore
Bayh	Holland	Pell
Bible	Hruska	Prouty
Brewster	Jackson	Proxmire
Burdick	Javits	Randolph
Byrd, Va.	Jordan, N.C.	Ribicoff
Byrd, W. Va.	Kennedy, Mass.	Robertson
Cannon	Kennedy, N.Y.	Russell, Ga.
Carlson	Kuchel	Saltonstall
Clark	Long, Mo.	Smathers
Cooper	Long, La.	Smith
Cotton	Magnuson	Sparkman
Curtis	Mansfield	Stennis
Dirksen	McCarthy	Symington
Dodd	McClellan	Talmadge
Dominick	McGee	Thurmond
Eastland	McGovern	Tydings
Ellender	Miller	Williams, N.J.
Ervin	Mondale	Williams, Del.
Fannin	Monroney	Yarborough
Fulbright	Montoya	Young, N. Dak.
Griffin	Morse	Young, Ohio
Gruening	Morton	
Harris	Moss	

The PRESIDING OFFICER (Mr. Moss in the chair). A quorum is present.

CONVEYANCE OF CERTAIN LANDS IN BOULDER COUNTY, COLO., TO W. F. STOVER

Mr. ALLOTT. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside, and that the Senate proceed to the consideration of S. 1231, as amended, a bill to convey certain lands in Boulder County, Colo., to W. F. Stover.

The VICE PRESIDENT. Is there objection to the request of the Senator from Colorado?

Mr. ELLENDER. Mr. President, reserving the right to object, will the Senator tell us how long he anticipates the consideration of that matter will require?

Mr. ALLOTT. Approximately 3 minutes.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate proceeded to consider the bill (S. 1231) to direct the Secretary of the Interior to convey certain lands in Boulder County, Colo., to W. F. Stover, which had been reported from the Committee on Interior and Insular Affairs, with an amendment, on page 1, after line 7, to strike out:

Beginning at corner numbered 1 of the Climax Mill site claim (United States Mineral Survey Numbered 13874) in section 21 and 22, township 1 south, range 73 west, sixth principal meridian, Boulder County, Colorado, thence south 51 degrees 43 minutes east 190 feet to a point; thence south 48 degrees 23 minutes east 85 feet to the true point of beginning; thence south 48 degrees 23 minutes east 252.26 feet to a point; thence in a northeasterly direction 20 feet more or less to a point; thence north 51 degrees 43 minutes west 252 feet to a point; thence in a southwesterly direction to the true point of beginning.

And, in lieu thereof, to insert:

Beginning at corner numbered 5, Mineral Survey Numbered 13874, Millsite;

thence north 48 degrees 23 minutes west, along line 5–6, Mineral Survey Numbered 13874, Climax Millsite 337.26 feet distant to the true point for corner numbered 6, Mineral Survey Numbered 13874 and at the intersection with line 5–6 Mineral Survey Numbered 12354, Happy Valley Placer;

thence south 51 degrees 43 minutes east, along line 5–6, Mineral Survey Numbered 12354, Happy Valley Placer 337.83 feet distant to a point;

thence south 41 degrees 37 minutes west, 19.61 feet distant to corner numbered 5, Mineral Survey Numbered 13874, Climax Millsite and place of beginning containing 0.15 acres.

So as to make the bill read:

S. 1231

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized and directed to convey to W. F. Stover, Denver, Colorado, all right, title, and interest of the United States in and to a tract of land in the Grand Island Mining District, Boulder County, Colorado, more particularly described as follows:

Beginning at corner numbered 5, Mineral Survey Numbered 13874, Millsite;

thence north 48 degrees 23 minutes west, along line 5–6, Mineral Survey Numbered 13874, Climax Millsite 337.26 feet distant to the true point for corner numbered 6, Mineral Survey Numbered 13874 and at the intersection with line 5–6, Mineral Survey Numbered 12354, Happy Valley Placer;

thence south 51 degrees 43 minutes east, along line 5–6, Mineral Survey Numbered 12354, Happy Valley Placer 337.83 feet distant to a point;

thence south 41 degrees 37 minutes west, 19.61 feet distant to corner numbered 5, Mineral Survey Numbered 13874, Climax Millsite and place of beginning containing 0.15 acres.

SEC. 2. The conveyance authorized by this Act shall be made upon payment of the fair market value of the land as of the effective date of this Act as determined by the Secretary of the Interior plus such sum as may be fixed by the Secretary to reimburse the United States for the administrative costs of the conveyance.

The amendment was agreed to.

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

Mr. ALLOTT. Mr. President, I ask unanimous consent that the Committee on Interior and Insular Affairs be discharged from further consideration of H.R. 4861, as amended, which is identical to S. 1231, and that the Senate proceed immediately to its consideration.

The PRESIDING OFFICER (Mr. Moss in the chair). Is there objection? The Chair hears none, and it is so ordered. The Committee on Interior and Insular Affairs is discharged from further consideration of H.R. 4861, as amended.

H.R. 4861 will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 4861) to convey lands in Boulder County, Colo., to W. F. Stover.

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

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

Mr. ALLOTT. Mr. President, H.R. 4861 is a very simple bill. It provides for the sale—at fair market value—of a small, sliverlike piece of land on the Roosevelt National Forest in Colorado to Mr. W. F. Stover. The land totals 0.15 of an acre. It is 19.6 feet wide at its base, and tapers to a point at 337 feet. Mr. Stover owns the land on each of the long sides, and by acquiring the land he will complete his ownership pattern.

The land is of no particular use in the furtherance of the national forest program, nor is it required for any other Federal purpose. Its extremely small size has made the consummation of an exchange with the Forest Service difficult.

Mr. Stover would not only be required to pay the fair market value of the land, but to also reimburse the United States for the administrative costs involved in the conveyance. This would include a minerals survey.

The one amendment to the bill clarifies the land description.

Both the Senate and House Interior Committees are of the opinion that this small portion of land, located as it is between privately owned parcels, should logically pass into private ownership as it is of no particular benefit to the Forest Service and its disposal could well eliminate administrative problems.

Mr. President, I ask unanimous consent that all after the enacting clause in H.R. 4861 be stricken, and that the text of S. 1231, as amended, be substituted in lieu thereof.

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

The question is on the engrossment of the amendment.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. ALLOTT. Mr. President, I ask unanimous consent that the action of the Senate in passing S. 1231 be vacated and the bill indefinitely postponed.

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

Mr. ALLOTT. Mr. President, I thank my colleagues for granting this indulgence to me. This is a small matter, but it is, of course, very important to Mr. Stover.

FOOD FOR PEACE ACT OF 1966

The Senate resumed the consideration of the bill (H.R. 14929) to promote international trade in agricultural commodities, to combat hunger and malnutrition, to further economic development, and for other purposes.

Mr. MORSE. Mr. President, I say to the Senator from Louisiana that I support the objectives of the pending bill, for the objectives of the bill, in my judgment, are not only humanitarian in their soundness, but I think the objectives of the bill also represent a sound national policy for our country.

As the amendments that I expect to offer during the afternoon will point out, I think that there is a great need for procedural changes in the bill. My overall objections to the procedural provisions of the bill are the same as those of the Senator from Arkansas. I think that the bill is an invasion of foreign policy by the Secretary of Agriculture.

I do not think that the Secretary of Agriculture should be given the policymaking powers that are given to him in the bill. I shall describe this in some detail later today.

I want the RECORD to leave no room for doubt that I certainly think that food should be made available within our capacity and ability to make it available to alleviate not only starvation but also serious shortages of food from time to time in various countries. The very presence of a serious shortage of food creates a domestic disjointure in numerous ways in the economy of any country.

The Senator from Arkansas [Mr. FULBRIGHT] is quite right in the thrust of his argument that the pending bill in its broad wording gives to the Secretary of Agriculture extensive authority in the field of foreign policy in respect to making foreign policy.

I have spoken out against the Secretary of Defense making foreign policy. In fact, I have been known to say on the floor of the Senate that, in my opinion, the Secretary of Defense has really become the Secretary of State more than Dean Rusk. I think that is a bad administrative procedure. I think that if we pass this bill in its present form, we should pass it for only a 1-year period. Otherwise, we will see a new foreign aid bureaucracy grow up that will operate this program with too little legislative guideline.

As a member of the Committee on Foreign Relations, I point out that we have had considerable difference of opinion within the Committee on Foreign Relations, as we have here on the floor of the Senate, as to the period of time for authorization of the foreign aid bill, both economic and military.

I have supported a 1-year authorization. I feel it is very important that the taxpayers of the United States be given the assurance that the Members of Congress that they elect will exercise an authorization surveillance over foreign aid in all of its forms once a year.

I know of no more important service that we can perform for the American people than an annual surveillance. If we are to maintain this precious right of maintaining our separation of powers doctrine and of assuring the American people that three coordinate and coequal branches of Government is not a myth in the United States, but a living political reality, we cannot very well justify delegation to the executive branch of the Government of as much power as this bill grants to it over a period of 2 years.

I therefore support the effort of the Senator from Arkansas [Mr. FULBRIGHT] to maintain this program on an annual basis. There is no reason for foreign aid in the form of agricultural commodities to be on a multiyear basis, and for foreign aid in the form of munitions or other manufactured goods to be on a multiyear basis.

Congress must and should maintain an annual review of all of these foreign aid programs. Billions of American taxpayer dollars are involved. We have already, since 1946, in our expenditure of over $16 billion of foreign aid wasted many billions of dollars. Of course, there never has been an answer to me, because there cannot be an answer to me, in regard to the waste and inefficiency and corruption in American foreign aid in many parts of the world.

My statements are based upon the findings of the Comptroller General of the United States. The sad thing is that in spite of the finding of the Comptroller General of the United States the Johnson administration has done practically nothing to eliminate the waste, inefficiency, and corruption caused by foreign aid as found by the Comptroller General of the United States. Of course, the Comptroller General is our officer. He is our official agent.

I have learned something from my detailed study of the mass of reports of the Comptroller General in each year on the foreign aid debate. I have brought them to my desk from the safe in the Committee on Foreign Relations.

The American Government, not too slowly, but steadily and progressively, is moving into a form of government by executive supremacy, a government having an all-powerful President. I say, respectfully, that Congress, time and time again, has been subservient to the President, whereas our constitutional fathers established a system of government having three branches, judicial, legislative, and executive, each on a par with and each having checks upon the other two. Congress, year after year, is abdicating more and more of its legislative checks.

That is why I have discussed these reports of the Comptroller General and have finally obtained from him a ruling that if I read the titles of them, I would not violate secrecy. The titles of the reports are bad enough. They telegraph to the readers of the titles the basic findings of the reports concerning the waste, the inefficiency, and the cause of corruption in the administration of America's foreign aid program.

Since 1946, more than $116 billion has been taken from the taxpayers for a foreign aid program that has succeeded, in large measure, in not making friends for us around the world, but enemies or people who distrust us. We have not been able to buy friendship with dollars, and we never shall.

So the senior Senator from Oregon has looked with great worry upon the growing trend in Congress to extend the

periods of authorizations for such programs. If we authorize them for more than 1 year, we shall lose a check.

Next year, as the Senator from Arkansas [Mr. FULBRIGHT] reminded us yesterday, there will be a new Congress. I happen to think that after the election in November we will find a number of lame ducks in this Congress. I hope so, for it is a blessing sorely to be desired. But that is up to the people.

But one thing is perfectly clear to my mind, and that is that we should not pass a bill this afternoon or tomorrow, or whenever we pass it, that provides for more than a 1-year authorization; because I think that the new Congress, with its new Members, whatever that percentage may be, ought to have the opportunity to reauthorize a program of food for peace.

So I support the Senator from Arkansas in connection with his desire in his amendment to limit the authorization to 1 year; and I repeat that, in my judgment, Congress should maintain annual review of all these foreign aid programs.

NEW DEPARTURE IN FOOD FOR PEACE WILL CREATE NEW DEMANDS UPON US

This is not a surplus disposal program any more. We are now going into the business of contracting with farmers to raise food and fiber to give away abroad, just as AID contracts with manufacturing concerns to produce for foreign use at the expense of the taxpayer.

In one respect, it is more urgent that Congress maintain tight control over this area of aid than over any other.

It is a far-reaching and in some ways a frightening element being added to U.S. foreign policy when we undertake to feed the growing numbers of people in the world who are unable to feed themselves. If our past experience with feeding the hungry and trying to help develop the undeveloped parts of the world is any guide, we must expect that the nations and the people receiving food under this program will not regard it as an assistance in development of their own food resources. They will come to regard it as their due from the United States. That is what is involved in this program.

It is bad enough that some of the undeveloped nations have leaders who say that they are entitled by right to a certain percentage of the gross national product of the United States to help develop their country.

May I say as chairman of the Subcommittee on Latin American Affairs, that we have run into this remarkable attitude in some of our discussions with Latin American leaders. Some of the conferences have developed a strong notion that they have a right to American foreign aid. Not only that, but that they also have a right to foreign aid based upon some ratio percentage of our national productivity.

That is what happens, Mr. President, I fear, when we adopt foreign aid, as we have over the years, as loosely drawn as our foreign aid bills have been. We must make perfectly clear, if we are to adequately represent the American taxpayer, that contrary to what has been proposed by some representatives at foreign conferences and discussions, no country is entitled to a certain percentage of the gross national product of the United States as a matter of right to help it develop its own economy.

In fact, I would feel much better in supporting foreign aid at a much higher level if we could have a little greater evidence on the part of some of those countries that they are willing to help themselves. By helping themselves, I do not mean to help themselves to the wealth of the American taxpayer. I mean to help themselves by way of their own initiative in their own country, and the development of their own private enterprises, rather than constantly letting things get into such a situation that they can appeal to our hearts, and then run to the United States for millions and millions of dollars of aid.

Food is a daily necessity of life. People can get along in a pastoral economy; they do not have to become industrial. But they cannot get along without food.

Over the years past and now in years into the future, it is contemplated that we make ourselves—our farmers and our taxpayers—the world's supplier of daily bread.

I am worried about the implications of that for future generations of Americans. I am even worried about it for the present generation. We are already hearing about impending food shortages that will threaten great areas of the world with starvation. I am for proceeding with a program that will enable us to play our part in meeting that demand. But in instances where an economic or military aid program could be suspended because the conditions were not met, the State Department has invariably found reasons for not suspending it.

The day before yesterday, I read in a newspaper that the State Department is renewing economic aid to Argentina. There is no congressional check on that. In past legislation, other Senators and I tried to achieve a check that would prevent the administration from coming to the aid of military juntas, such as economic aid to Argentina, where we find tyranny being practiced, through suspension of constitutionalism.

Our country, in its shocking hypocrisy, talks about supporting freedom. The sad, ugly reality is that the United States, in too many places of the world, is supporting tyranny with the taxpayers' dollars.

To the taxpayers I say, again: Your only answer now is your ballots. If you continue to vote for people who support the supporting of tyranny and military juntas, then you have no one to blame but yourself, as this government continues to change its form, as it is changing its form month in and month out, as more and more unchecked power is being vested in a supreme President of the United States.

I do not propose to forget the history that I know, just because I walked into the political arena. I repeat again, because it must be said over and over again, that the executive branch of any government cannot be vested with supreme power and have freedom left for the people. I do not care whether that form of government involves a President of the United States, or a Communist dictator, or a fascist dictator, or a military junta clique such as there is in Argentina today—and we are pouring American aid into Argentina. I am talking about the precious abstract principle of free government. Pages of history can produce no rebuttal to my argument. No people have ever lived under a supreme executive branch of government and been free.

I have protested month in and month out during my 21 years of service in this body that Congress has for years been abdicating more and more of its constitutional checks to the executive branch of government. Oh, I know. Argue as I argue, and the unthinking raise questions as to whether I am a loyal citizen. I am an ultraconservative when it comes to matters of political governmental form, because these forms, these procedures, to the extent that we implement them, determine whether we will remain free.

I raise again my objection to the bill because I think a 2-year authorization period is too long. We should check the President next year with a new Congress. The President should be required to come before us year after year after year for a renewal of authorization in the field of foreign aid because foreign aid is foreign policy. The bill is pregnant with foreign policy. The Senator from Arkansas [Mr. FULBRIGHT] is right when he proposes but a 1-year authorization.

From the standpoint of future generations of Americans, I am worried about the implications of the food understanding that we make in the bill under more than a 1-year authorization. As I have said, we are already hearing about impending food shortages that will threaten large areas of the world with starvation. I favor proceeding with a program that will enable us to play our part in meeting that demand. But in instances where an economic or military aid program could be suspended because the conditions were not met, the State Department has invariably found reasons for not suspending it. Think how impossible it would be to expect the State Department to suspend food for peace in India, for example, if India should fail to go through with the changes in her domestic economy she has pledged herself to, as part of her food agreement with us.

If we have a multiyear authorization, it will not be long before every country in the world will take it for granted that the food will be forthcoming from the United States whether or not they comply with the requirements. They will expect American taxpayers to furnish them with food simply because we would look bad if we did not.

That is what frightens me about this program. We are undertaking a pledge to keep the world in food and fiber. That, at least, is what the administration wants in this program. When the population explosion now underway has increased the hungry mouths of the world by the millions and hundreds of millions, are the American people going to have to meet their food requirements at a rising cost, on the pain of gaining the enmity of billions of people if we do not?

Population control and local development of resources is the only thing that is going to save country after country in the world from starvation in the future. It is not going to be American food. But we can easily find ourselves promising to feed the world, and leading the world to expect us to feed it.

Let us not forget that we now have only 6 percent of the population of the world. As we get the numerous patriotic appeals these days, appeals which wave the flag into tatters, as to what we should do to force our will upon the world, whether people want to accept our will or not, I would have my Government remember that we are but 6 percent of the population of the world. In my opinion, if we continue our military policy of seeking to dominate the world, or any segment of the world that will not bend its knee to the dictates of the United States, in not too many years we shall find ourselves so isolated that we will stand alone on most of the great foreign policy issues that confront us.

In my judgment, there is not a historic possibility that any country, including the United States, can set itself up as an imperialistic determiner of the policies of other countries that disagree with it.

The Johnson foreign policy in Vietnam is based on a unilateral program of "accept our policy, or else." With respect to the semantic discussion that we are willing to negotiate, we are willing to negotiate if there is first a surrender. Our Government talks about being perfectly willing to negotiate with our enemies, but on the basis of the major premise that there be two Vietnams. Who are we to dictate to Asia that there shall be two Vietnams? It was we who created the two Vietnams, in violation of the 1954 agreement.

South Vietnam was created by the United States. It is a U.S. puppet. It did not exist until we took out of exile a South Vietnamese exile in New York City and Washington, D.C., who did not even fight the French.

We took him into South Vietnam. We financed him. We militarized him. We set up the government. That is the history of the United States in South Vietnam. We turned the 17th parallel from a military demarcation line into a political demarcation line, in open violation of the Geneva accords.

This Government has never told the American people about the findings of the International Control Commission regarding our Geneva accords violations.

Why does our Government not tell the American people?

Because it would shock them into a realization that the whole policy it has been following in Vietnam is one of unilateral dictation. That is why the United States is already isolated around the world so far as support for its policy is concerned.

This is an example of executive supremacy which I have been pointing out so many times. Whenever I see the vesting of more and more power in the executive branch and relinquishing the constant checking process by Congress, I object.

Thus, I support the Senator from Arkansas in his proposal to limit the pending bill to a 1-year authorization.

I am absolutely opposed to turning over any such program to administrators for 5 years, or 2 years. The bill does not settle the issue of who is to run it. In my opinion, the evidence shows that in the past the State Department has made the decisions as to which countries shall receive assistance under food for peace, and how much. The State Department makes the effective determinations. Whenever this authority is given to the State Department for any aid program, we can be sure that it will extend aid as a routine matter. The State Department does not believe in conditions for aid, or in receiving countries meeting the conditions. When prescribed conditions have not been met, they have simply been changed. The history of the aid program as administered by the State Department, including food for peace, indicates that it believes the flow of goods is desirable in itself, irrespective of what becomes of it in the recipient country.

We have a whole generation of professional diplomats who believe that giving away goods is a part of diplomatic relations with a country. They think that extension of aid is the same as influencing the foreign policy of the recipient. One wonders what they would do for diplomacy if there were no money program for them to preside over.

We never will have a foreign assistance program through food or anything else that will produce progress in the receiving countries so long as it is run on the basis that our aid programs are now run.

They are, after all, not for the benefit of the recipient, but for the benefit of American foreign policy. They are a foothold for armies of economic assistance officials and military aid officials. In the words of the House Foreign Affairs Committee, foreign aid gives us a means of dealing with situations that may arise in a foreign country. That is what food for peace has been, too, and that is what it will be in the future, no matter whether it is under the nominal jurisdiction of the Secretary of State or the Secretary of Agriculture.

In my opinion, the only meaningful control over food for peace can be the Congress of the United States.

Mr. President, that is why calling for a 1-year authorization in the Fulbright amendment is desirable.

If I may have the attention of the Senator from Louisiana, that concludes my argument in support of the Fulbright amendment, provided we can get a quorum for that short time, in order to get the yeas and nays ordered—and I want the yeas and nays ordered on the pending amendment.

Mr. ELLENDER. Mr. President, I regret that my good friend from Oregon did not speak as eloquently 5 or 6 years ago against foreign aid as he is now speaking.

Mr. MORSE. I was only a student then. I learned from the Senator from Louisiana.

Mr. ELLENDER. As the Senator from Oregon well knows, for the past 17 to 18 years I led the fight on the floor of the Senate in order to put some commonsense into the operations of our foreign aid programs. Somehow, however, I could not get many Senators to agree with me. I am glad that the Senator from Oregon has stated he is for the pending bill in principle, but that he objects to the provision that the act should be extended for 2 years.

Let me say to my good friend from Oregon that the pending bill does not lend itself to a 1-year limitation for the simple reason that domestic production decision cannot be made for 1 year only. It takes at least 2 years for that to be done.

For instance, a few weeks ago, the Secretary of Agriculture increased wheat production by 30 percent. The Secretary of Agriculture will not know the results of that decision by way of production until the fall of next year when the wheat is being gathered.

The Secretary of Agriculture increased the production of rice by 10 percent last year and the results of that increase will not be known until the end of this crop year.

On the other hand, we have a new approach in the food-for-peace program as it now exists under present law. The thrust under the 1954 act was to rid ourselves of surpluses. Our representatives abroad, who negotiated the agreements, made no demands on foreign countries which may have been in our best interests. Their idea was to get rid of wheat, to get rid of corn and other commodities because of their cost to us by way of storage.

The pending bill envisions the expenditure of a fair share of our productive bounty. In any contracts which will be made after December 31 of this year, we are insisting that the recipient country do certain desirable things in order to be able to obtain the help.

I am sure that it will be very difficult to obtain agreement from a country to do certain things to increase its own food production if the bill is enacted to provide for only 1 year. It might have been better to extend it more than 2 years, but since the House had agreed to a 2-year period, the Senate Committee on Agriculture and Forestry followed suit, and it is my belief that that length of time is short enough.

It would seem to me that is the only way we can find out whether the bill will be administered as anticipated and that the results we expect will be forthcoming.

Under the pending bill, the President would have the right to cancel any agreement immediately, should the receiving country fail to perform in accordance with an agreement which would have been previously entered into by our Government and the receiving country.

Mr. President, I have listened with a great deal of interest to what the Senator from Oregon stated about the foreign policy involved in this bill. I am sure all of us realize our foreign policy maker is not the Congress; it is not the Secretary of State; but it is the President of the United States. The President would have the power to delegate any member

of his Cabinet to represent him in negotiating agreements for the distribution of food to needy countries.

Since this bill has provisions in it that can be better administered through the Department of Agriculture, it was the belief of the committee that the administration of it should be placed with the Department of Agriculture.

Irrespective of whether or not we put it under the Department of Agriculture or the Department of State, the President would be the one to direct what should be done and to enter into any agreements with countries that would be entitled to aid from us.

I am not going to go into details, but I am sure any member of the Committee on Agriculture and Forestry can well remember the great difficulties that the Department of Agriculture had when we had these surpluses because of the fact that the Secretary of State would not cooperate with us. We had extensive hearings in 1955 shortly after Public Law 480 was passed. We found that the State Department was not interested in using our surplus agricultural commodities for the purposes of Public Law 480 at that time. To correct the situation I introduced a bill together with most of the members of the committee and several other Senators. That was S. 2253 of the 84th Congress. That bill centered primary authority in the Secretary of Agriculture. That was its purpose and it was passed by the Senate. There have been several attempts to change it, but Congress has resisted them, and this has been the law since 1955.

Even with this provision in the law, we have had many problems presented to the committee because the Secretary of State oftentimes preferred that we give dollar aid and let the aided countries buy their commodities elsewhere, instead of using our surplus commodities to provide aid. On many occasions objection was urged that if the food were sent to the foreign country, it would put out of balance the production of food in that country or other countries. As a result, I am sure we missed many sales we could have made for cash or under favorable terms, as well as missing many opportunities to use surplus commodities in lieu of dollars.

I am not going to elaborate the case for the bill, but I am hopeful that the Senate will vote down the Fulbright amendment, because, I repeat, this bill does not lend itself to a 1-year extension. It should be at least 2 years. That is because domestic production decisions cannot be carried out in less than 2 years. For those reasons I am sure the Senate will vote down the Fulbright amendment.

Mr. HOLLAND. Mr. President, I, too, oppose the Fulbright amendment. However, I have listened with a great deal of interest, and always with pleasure, to the comments of the distinguished Senator from Oregon [Mr. MORSE], who is always interesting and persuasive.

It seems to me, however, certain things in this whole picture have been overlooked by him.

One thing he does not overlook. He began by stating he realized that this country was undertaking to continue to furnish food to starving and hungry people around the world. I think I read into what he said, the additional statement that nothing so creates a cradle for communism like hunger and deprivation for people who are underprivileged and underfed. He recognized, as the Senator from Arkansas [Mr. FULBRIGHT] yesterday recognized, that we are under the duty to help those people. I think every Senator understands that when we were "shoveling" surplus food to the rest of the world, we were not doing as hard a thing as under this bill. We have gotten rid of our surpluses. We are lucky that we have done it. The committee, headed by the distinguished Senator from Louisiana [Mr. ELLENDER], has played a great part in getting rid of the surpluses.

As the only great country in the world able to do so, we have the duty not only to prevent people from starving, but, to achieve the peace objective, we must also put back into production some of the 60 million acres which were taken out of production in the various legislative acts passed in the last several years.

Mr. President, 60 million acres is a lot of land. I have figured out, at my desk, that it amounts to nearly 94,000 square miles of land. My own State of Florida has some 58,000 square miles. So that amount of acreage is as much as the area of Florida plus another half. It is that much in tillable acres which we have retired from production in order to get rid of surpluses.

Now we are asked by the only department which has the facts, which has controlled this process, to put back into production the additional acreages to meet our needs from year to year.

We are not without some experience in this field, because, as the Senator from Louisiana [Mr. ELLENDER] just explained, the Secretary of Agriculture has sought to step up the production of wheat in two increments of 15 percent, or a total of 30 percent.

I have talked with officials in the Department of Agriculture. They do not believe that anything like that total amount will be put back into production. What is the reason? The reason is that no assurance is given to the farmers, who have been diverting their acres and putting them into grasslands or other uses, that it will be continued for more than 1 year. A farmer, for example, who had diverted his acreage to pasture, would not be willing to produce on those acres not knowing whether he would be able to depend next year on the Government. It has been difficult getting the farmers to react to a 1-year program. With the provision in the bill, we would have 1 additional year. Present action is limited to wheat and rice and will be only partially applicable to new production. As to how much will be produced, no man knows, and no man will know until we get further along in the year. But we know, from what the Department of Agriculture tells us, it is going to be much less than the added amounts which the Secretary would like to have, but for which he could not give more than 1 year's assurance under his authority.

I think the Senator from Oregon mentioned the fact that Congress has been frequently subservient to the Executive. I recognize that. I think I have been heard just as often in opposition to such subserviency as has any Member on the floor and by my votes have shown that feeling.

That feeling does not exist with respect to this legislation. In the first place, the administration asked for a 5-year program, but this is a 2-year program.

In the next place, the administration asked for a much larger program, and we reduced it to a figure which we thought was in accord with the need. I hope that experience will show our estimate to be more nearly right than the sizably larger program which the President suggested.

We deliberately fixed the 2-year program, because we think that is the minimum period of time under which farmers who have been proceeding under the land diversion and retirement program will be willing to bring the diverted or retired acreage, or part of it, back into production so as to take part in this particular program.

I call the Senator's attention to the fact that this will not be the most highly profitable use to which that land could be put. For instance, in the wheat fields, this does not step up the man's wheat certificates for domestic use at all, because his domestic certification of wheat depends upon what is needed for the domestic market. This additional wheat which he is asked to produce is at the secondary level of price, the secondary level of return to him.

The committee felt that 2 years was the minimum period which would permit the really sound functioning of this program. The committee certainly does not claim knowledge of everything, nor claim to be allwise, but we do think we know that a 1-year program would not meet with the response which is necessary to fulfill this need. That is the reason why we have provided a 2-year program—which, by the way, conforms to the same decision that was made in the House, which itself was not subservient to the Executive, but decided upon a 2-year program rather than a 5-year program.

Mr. President, certain commodities are very vitally involved. One is wheat, which has been mentioned. It is the staff of life in a large part of the earth. I think I have made sufficient mention of that already. Another is rice, which in other parts of this earth is the staff of life; and we propose to supply more rice to those nations which are used to relying upon that crop for their principal diet.

In connection with what was said by the distinguished chairman of the committee, the Senator from Louisiana [Mr. ELLENDER], about the attitude of the State Department, I remember a few years ago, in operations under Public Law 480, when we had a terrible time with the State Department over their arguments as to whether white rice or yellow rice be supplied to Japan. They wanted to supply Japan with the kind of rice that Japan did not want; and we

wanted to supply Japan, of course, with the rice that it did want. There was plenty of it. There was a regional difference involved, as to what region produced white rice and which produced yellow rice. I do not know that the State Department was playing politics, but I do know that it took a very unreasonable and impractical attitude, and did not propose to supply to the Japanese, who were crying for rice to feed their people, the type of rice which we had in abundance and overabundance, but which the State Department thought should not be supplied to Japan, but should be supplied another kind instead. That is, I think, one of the arguments why the Department of Agriculture should have a very important voice in this whole program.

Mr. President, my feeling is that this bill has been studied very carefully.

Mr. MORSE. Mr. President, will the Senator yield to me just long enough for me to ask for a rollcall vote on the Fulbright amendment?

Mr. HOLLAND. I am happy to yield to the Senator from Oregon for that purpose.

Mr. MORSE. Mr. President, I ask for the yeas and nays on the Fulbright amendment.

The yeas and nays were ordered.

Mr. HOLLAND. So, Mr. President, this bill is for the minimum period of time which our committee, with some knowledge and some experience in the field, and relying on the Department which has even greater experience in the field, decided was the minimum time in which this program could work out.

Mr. President, I shall not dwell in greater detail on this matter. The distinguished Senator from Louisiana yesterday pointed out many practicalities embraced in this bill that have not existed heretofore—such, for instance, as the right to use 25 percent of soft currency for sale to our tourists, in the effort to reduce the balance-of-payments problem; and such as giving more money and greater prominence to the farmer-to-farmer program, believing that our farmers going from this country to underdeveloped countries could not only check with considerable knowledge on whether those countries were really building their agricultural production to greater heights, but also could convey both good will and good information as to the production of some crops which were important.

We have added item after item of the type of those two—time forbids going into them in greater detail—which I hope will make the program more practicable.

To sum up the matter, we have made the whole program answerable to the domestic problem. It can be called off at any time; and every agreement will have to provide that whenever there is found insufficient carryover from year to year to supply our own domestic needs and to supply our export market, at that time the program can be stopped by our executive. Because, after all, our own problems do have to come first; and even those who will be receiving our grain, our soybeans, and other products, which they very badly need and which will mean so much to them, realize that we are only exercising good commonsense in putting our own needs first.

Mr. President, in closing, I merely wish to say that I do not see any reasonable way for this program to be administered other than to have it administered under the Secretary of Agriculture; because time after time, in the bill and in the report, there is accentuated the fact that before the program can be initiated and before it can be continued after it has been initiated, there must be considered and favorably determined these questions of our domestic supply and the like.

I quote, for instance, from the bottom of page 21 of the report—there are numerous other pertinent statements, both in the bill and in the report, but I shall quote only these few words:

> The new dimensions of self-help and use of nonsurplus commodities add to the importance of the principle expressed in section 401 of this bill—that principle which assigns to the Secretary of Agriculture the responsibility for determining "the agricultural commodities and quantities thereof available for disposition under this act, and the commodities and quantities thereof which may be included in the negotiations with each country."

There is only one place where those determinations have to be made under present law. There is only one place where they conceivably can be made with accuracy, because there is no other office that has the detailed information and experience to enable it to make them. It seemed to our committee that it was a wholesome thing to have this program all in one place, and to have the Secretary of Agriculture determine not only those questions which have to do with production—that is, what commodities should be produced and in what amounts, and when they could be made available and in what amounts—but also whether those amounts continued to be adequate, because he could insist on the programs being called off if at any time they were inadequate.

So our committee decided—and I am still strongly of the opinion that we were right in that decision—that the Secretary of Agriculture, having those most important aspects of this program under his jurisdiction, and necessarily so, should be given more plenary control of the whole program than had been possible heretofore.

We have not been too happy about the manner in which the Department of State has handled many parts of the program. I have mentioned the rice program for Japan, which is just one of several incidents I could relate.

It is my feeling that the bill provides for the shortest minimum time and that the amendment of the Senator from Arkansas should be rejected. In general, the bill is soundly drawn and places the responsibility in the place it should be.

Mr. President, I hope that the amendment of the distinguished Senator from Arkansas is rejected.

HIGH INTEREST RATES AND THE MORTGAGE MONEY MARKET

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. LONG of Louisiana. Mr. President, the great increase in jobs, income, and prosperity which this Nation has enjoyed for the past 6 years, has been made possible by a vast increase in the credit structure of America, both public and private.

Not a long time ago, the credit facilities of this country were of concern to relatively few people—to the bankers and other lenders; to the industrialist who was expanding his capital plant, or increasing his operations; to the governmental agencies adding to the public facilities, or providing services to the public in other ways; and to the relatively few individuals who were wealthy and in position to furnish the money market with cash.

Today, the majority of our citizens deal almost daily with the money lenders in one form or another. The hallmark of the American system, especially in the eyes of those abroad, has become the use of credit to purchase the goods which our gigantic productive capacities pour out for our consumption. It is no longer just those who must have cash and capital to produce, as the farmers do, and the small service and manufacturing establishments, although this development itself is one of the important aspects of our economy.

The vast majority of all the people are affected in their daily lives almost immediately when interest rates go up. Our total gross private debt has gone up from $337 billion at the end of 1952 to about $993 billion at the end of 1965. The interest-bearing portion of that debt has increased roughly from $238 billion to $756 billion over the same period, and the cost of carrying this portion has gone up from $11 billion to $49 billion, an increase of $38 billion. These data are estimated and additional details are shown in a tabulation which I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. LONG of Louisiana. Mr. President, the cost of the excessive interest rates is more easily measured when applied to the national debt. This debt has increased since 1952 by about 21 percent, but the cost of carrying that debt has increased by about 107 percent.

Mr. President, I ask unanimous consent that a small chart illustrating the increase in the debt and the increase in the cost of carrying the national debt be printed at this point in the RECORD.

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

Increase in debt cost

[In millions of dollars]

NATIONAL DEBT	
1952	259,843
July 1966 (21-percent increase)	314,880
CARRYING CHARGES (ANNUAL INTEREST COST)	
1952	6,052
July 1966 (107-percent increase)	12,520

Mr. LONG of Louisiana. Mr. President, taking into account the increase in the cost of carrying the State and local debts, we find that the burden of higher charges for our debts has gone up by

almost $47 billion for 1965, over what it was in 1952.

It is now much higher. For example, the annual interest charges on the national debt went up another billion dollars from the average for 1965 to July 1966. The data for the increase thus far in *1966* for the private debt are not available, but it is certain that the costs have gone up a great deal more.

This represents a shift in income from those less able to pay to those who are already wealthy. It is a redistribution of income in reverse, if you please, and it makes the fuss about the spending of the Great Society look like a tempest in a teapot.

One competent source, about which I shall have more to say later, has put it in another way. The Conference on Economic Progress stated in 1964:

> If the prevalent monetary policy continues, the excess interest costs, during the seven years 1964–70 inclusive, are estimated as: 27.3 billion dollars upon the Federal Budget, 6.6 billion upon States and localities, 54.8 billion upon private borrowers, for a grand total of 88.7 billion—an average of 12.7 billion a year, and 15.4 billion in 1970 alone.

Already we have seen that this forecast was not nearly pessimistic enough, but the correctness of the warning has certainly been proved.

It is not just the added burden financially, Mr. President, although that itself is bad enough, or that the burden falls most heavily upon those least able to bear it. As the money market has gotten tighter and the rates have gone higher, credit has become inaccessible to many people.

The most spectacular aspect has been, of course, what happened to the mortgage market in this country. I am aware of the legislation just passed by the Congress which represents an attempt partially to relieve this particular situation, but I think it important to bear very much in mind what happened to produce such pressures upon the Congress that it had to take some action.

Interest rates for prime first mortgages were 4¼ percent in 1952, and at that rate a $10,000 mortgage under the National Housing Act over a 30-year term requires a total payment of $17,712. By early this year, the rate had climbed to 5¾ percent, and the total payments on a similar mortgage were $21,024, an increase of about $3,300.

And even if they do find someone who would lend them money under the Government program, and they can find a big downpayment, they are not home yet because they must now deal with something called penalty points. This is nothing more than an effective if not an illegal increase in the interest rate; a device which makes nonsense of negotiating the rate of interest and the face amount of the mortgage note.

This can be drastic. For, if the lender insists on eight "penalty points," as he frequently does, this has the effect of increasing the rate of interest by 1 percent. When added to the one-half percent for the cost of the Government guarantee, the effective rate becomes 7¼ percent.

On loans outside this program, rates have been paid as high as 8 percent, and the increase represented by that rate of interest on a similar mortgage is $26,415, or an increase of almost $9,000 over the cost in 1952. This is also more than 2½ times the amount of the original mortgage that the person would have to pay to buy such a home.

Mr. President, I ask unanimous consent that a tabulation, entitled "Comparison of Monthly and Total Payments To Liquidate $10,000, 30-Year Mortgage—1952 and 1962," be printed at this point in the RECORD.

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

Comparison of monthly and total payments to liquidate a $10,000 30-year mortgage, 1952 and 1966

[Index, 1952=100]

	Monthly payment	Index	Total payments	Index	Interest payments	Index
1952 (based upon the 4¼-percent interest rate generally prevailing for FHA loans)	$49.20	100	$17,712	100	$7,712	100
1966:						
(a) 5¾ percent (nominal FHA rate prevailing since Apr. 11, 1966)	58.40	119	21,024	119	11,024	143
(b) 6½ percent (estimated effective FHA rate prevailing in early August, reflecting "points system")	63.21	128	22,756	128	12,756	165
(c) 7 percent (rate on conventional mortgage prevailing in some southern and western areas, August 1966)	66.53	135	23,951	135	13,951	181
(d) 8 percent (extreme rate prevailing on conventional mortgage in some western areas, August 1966)	73.38	149	26,417	149	16,417	213

Primary source: Federal Housing Administration, Amortization and Mortgage Insurance Premium Tables.

Mr. LONG of Louisiana. Mr. President, the most serious effect in many ways upon the mortgage market was not even in the rate of interest—the money simply was not available to this market in the amounts needed, and there arose discrimination of many types as between the competing applicants for such funds as were available.

Two of these effects were noted on the front page of the Wall Street Journal for last Friday, August 26, where it was stated that in some markets buyers were showing an understandable preference for homes with existing mortgages, but the right to refuse to accept assignment of the mortgages was being exercised ruthlessly by the holder. One real estate source was quoted as saying:

> Maybe 12 out of 100 home buyers who ask to assume existing mortgages currently get the bank's okay. A year ago if 50 people wanted it, 49½ would qualify and get it.

The other point noted was that "tight money 'has eliminated a lot of people from the market who only have $2,000 or $3,000 for a downpayment.'"

In other words, Mr. President, "those who don't have, can't get" in the home mortgage market.

Let us look for a moment, Mr. President, at just who is getting the money available in the money market. According to the latest figures from the Federal Reserve Board, borrowing by corporate businesses increased by more than $4 billion on an annual rate as between the second quarter of 1965 and the second quarter of 1966, while household borrowing went down by more than $4 billion.

Small business, or nonfarm noncorporate business, as the Federal Reserve Board defines it, also went down by more than one-half billion dollars.

Between these same two periods, total borrowing went up less than $1 billion.

These figures from the official Federal Reserve Board data tell the story. There was very little more money available, but those in the most advantageous position even took funds away which ordinarily would have gone to households and small businesses. These data are from the Federal Reserve Board and a table is appended to my remarks showing these matters in detail.

Mr. President, I ask unanimous consent that a tabulation illustrating in more detail just how some other sectors have suffered from the dominance of the big companies in the money market be printed at this point in the RECORD.

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

Comparative increases in consumer, auto, and home mortgage credit, compared with increases in corporate business borrowing, 1960–66

[Seasonally adjusted]

	Net extension of total consumer credit	Net extension of auto paper	Net increase in mortgages on 1- to 4-family properties	Corporate business borrowing [1]
	Millions of dollars	*Millions of dollars*	*Millions of dollars*	*Millions of dollars*
1960	3,588	1,270	10,400	11,700
1965	8,013	3,647	15,400	20,200
July 1965	724	348	[2] 15,300	[2] 22,600
January 1966	597	225	[3] 15,800	[3] 22,100
July 1966	549	208	[4] 12,500	[4] 26,800

See footnotes at end of table.

Comparative increases in consumer, auto, and home mortgage credit, compared with increases in corporate business borrowing, 1960–66—Continued

[Seasonally adjusted]

	Net extension of total consumer credit	Net extension of auto paper	Net increase in mortgages on 1- to 4-family properties	Corporate business borrowing [1]
AVERAGE ANNUAL CHANGE [5]	*Percent*	*Percent*	*Percent*	*Percent*
1960 to 1965	17.4	23.5	8.2	11.5
July 1965 to July 1966	−24.2	−40.2	[6]−18.3	[6]+18.6
January to July 1966	−15.6	−14.5	[7]−37.4	[7]+47.0

[1] Excluding financial corporations.
[2] 2d quarter, 1965, at annual rate.
[3] 4th quarter, 1965, at annual rate.
[4] 2d quarter, 1966, at annual rate.
[5] Compound annual equivalent rates.
[6] 2d quarter, 1965, to 2d quarter, 1966.
[7] 4th quarter, 1965, to 2d quarter, 1966.

Source: Council of Economic Advisers and Board of Governors, Federal Reserve.

Mr. LONG of Louisiana. Mr. President, as can easily be seen, new mortgages have sharply declined, while both the net extension of consumer credit generally and net extension of automobile paper have been actually falling. This has been happening at the same time that loans to businesses were increasing at the astounding rate of almost 35 percent over last year, for same periods of this year.

Let me also quote from Business Week for last Saturday, which was shown to me yesterday:

Companies in general—and giant corporations in particular—are the favorite customers of the banks: they are the last to feel the effects of a credit pinch. The Commerce Department estimates that the nation's 50 largest companies do 30% of the nation's capital spending; the largest 350 companies do 60%.

* * * * *

U.S. businessmen—whose spending plans are the ultimate target of the current move to restraint—have been just about the last people in the industrialized countries to feel the effects of the slow but steady tightening of credit, which began in earnest when the Fed raised the discount rate from 4% to 4½% last December.

The reason is simple: U.S. banks have done everything they could to accommodate the credit demands of their best customers. . . . In addition, commercial banks have restrained portfolio growth in every category except business loans.

* * * * *

Mr. President, let me add one additional reason why these giant corporations get the money when farmers or people who want to build homes or start a small business cannot get the money. When General Electric or A.T. & T. or I.T. & T. or RCA stand in line at Chase-Manhattan or at one of the other major New York banks to get their money, they often have a man on that board to see that they get their money. But the little fellow who wants to build a home, build some rental housing, or start a small business does not have a man on the board, and he often is not able to get the money.

I quote further from Business Week:

So far this year, the effect has been to allow the banks to increase massively their business loans outstanding, by $8.7 billion, from $68.4 billion in December to $77.1 billion in July. At annual rates, business loans have increased at 21.8% this year, as against 17.7% for 1965 as a whole. And in the past two months, a near frenzy of lending drove the annual business loan rate to 29.4% in June and 34.9% in July. That's why most business men have so far been able to shrug off the effects of tight money.

* * * * *

Moreover, prime-rate customers such as General Electric Co. and Bethlehem Steel, have placed king-sized orders for new cash. This means that instead of six or seven customers of a bank getting, say, $25 million, it all goes to one.

The banking fraternity is in almost complete agreement that the only thing that can limit borrowing at this point is a further tightening in the availability of funds unless the government raises taxes or spends less.

As it stands now, companies that haven't maintained good bank relations are out in the cold when it comes to new loans. And even corporations that are on good terms with their banks are finding that they can't get all the cash they need.

With the evidence of the drastic increase in business loans, we really need look no further for one of our principal difficulties. As I announced last Saturday, Mr. President, I have one proposal to make at this time.

I will send to the desk at the conclusion of this speech an amendment to be proposed to H.R. 13103, the Foreign Investors Tax Act of 1966, and ask that it be printed, and that it be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 2.)

Mr. LONG of Louisiana. This amendment would suspend for an indefinite period the investment credit under section 38 of the Internal Revenue Code, which provides a tax credit of 7 percent of the investment in capital improvements within the definition of this section, which is very broad and which has been used very extensively by corporations.

Mr. President, as one who supported the investment credit and helped to put in on the statute books, I applaud the measure as a magnificent weapon to do the job it was intended to do. It was one of the finest sections of the tax cut laws of 1962 and 1964 which spurred a sluggish economy to an alltime high and kept it there. But now that the economy is overheated, with a substantial war on our hands, we must think in other terms.

It is upon the money market that the pressures are being exerted today, and the suspension of the investment credit will remove some of this pressure by increasing the cost to those businesses which are now making their plans for future expansion. I also hope that this measure will lead to a reduction in the high interest rates which the Federal Reserve Board has forced upon the Nation.

Some members of this Board seem to consider their jobs to be like a Swiss or Austrian banker who is elected by no one and almost regards his job as hereditary. I sometimes wonder if some of the members do not really picture themselves to be running a European central bank instead of one of the most vital and sensitive institutions of our democratic way of life.

The interest rates under this administration are higher than at any time under the Hoover administration. The excuse for this outrage has been that the Federal Reserve Board feels a responsibility to balance the economy by making money tight and interest rates high. Some members of the Board have been saying that Congress should help balance the economy by raising taxes.

The suspension of the investment credit is, of course, a tax increase. Its revenue impact is unimportant, however, compared to its reaction on the economy, through reducing some of the pressure on the money market. When this pressure is reduced, the Federal Reserve Board should proceed to force interest rates down so that homeowners and working people generally can borrow money on reasonable terms for everyday personal needs.

Although I do not have support from within this administration officially, I am not alone in believing that it is a step in the right direction.

It is my impression that this action is favored by Mr. Gardner Ackley, who was selected by President Johnson to be Chairman of his Council of Economic Advisers; by Dr. Walter Heller, who was the choice of President Kennedy for that position; by Dr. Arthur Burns, who was chosen for that post by President Eisenhower; and I know that it is the recommendation of Dr. Leon Keyserling, who was Chairman of the Council under President Truman.

This is distinguished company, and I have no doubt that I shall be supported by other important voices in the course of the consideration of my proposal.

Having mentioned the name of Leon Keyserling, Mr. President, I should like to take the time to refer to the Conference on Economic Progress, of which organization it is well known that his is the top brain of its staff. Others who serve as officers and who give some of their time to this organization include:

Mr. George Meany, president of the AFL–CIO.

Mr. Murray D. Lincoln, president of the Nationwide Mutual Insurance Co.

Mr. Walter P. Reuther, president of the UAW.

Mr. Abraham Feinberg, chairman of the board of Kayser-Roth Corp.

Mr. Thurman Arnold, former Assistant Attorney General of the United States.

Quite early in the disastrous rounds of raising the interest rates, the Conference on Economic Progress issued this pamphlet entitled, "The Toll of Rising Interest Rates," and it was a very prophetic publication. Let me cite a few quotations:

But the Federal Reserve policy has imposed scores of billions of dollars of rising interest costs upon private and public borrowers for no useful purposes, thus rendering them less able to serve essential purposes. The policy has been fraught also with injustice, transferring these scores of billions in rising interest payments to those who should do without this unconscionable income supplementation. (page 2)

The average annual expansion of the money supply by only 1.8 percent during the past eleven years has been probably less than half the rate of expansion required to float an adequate U.S. economic performance. In addition, the serious aggravation of income maldistribution by rising interest rates has contributed even more powerfully to our economic troubles, caused primarily by oversaving and overinvestment in the means of production, relative to expansion of private consumption and public demand for goods and services. (page 3)

In some ways, the most serious burden of rising interest rates is imposed upon private borrowers. This is particularly distressing in an economic system devoted to enterprise and initiative. For these qualities of enterprise and initiative mark business and personal borrowers far more than those who lend money to them. (p. 11)

Only the completely uninformed would say that this excess interest cost . . . has not really cost the nation and the people anything, on the ground that the larger interest payments by borrowers have meant equivalent gains for lenders. Any such argument is equivalent to asserting that it makes no difference at all how national income is distributed or redistributed, and that the deliberate use of national economic policies to decrease the incomes of those who need help most in order to increase the income of those who have so much more is perfectly all right. (page 18)

Many economists and other informed persons have been entirely right, when they pointed out the gross inconsistency between (a) the huge and deliberately contrived Federal deficits involved in the recent tax reductions, designed for the purpose of stimulating employment and economic growth, and (b) the prevalent monetary policy, which works so severely against employment and economic growth. . . . The regressive tax cuts, their limited stimulative value, and the doubtful value of deliberately undertaking additional billions of dollars of Federal deficits in exchange for tax cuts of this type, should not be compounded by adding billions of dollars more to these Federal deficits, in the form of rising interest rates which are pernicious on all scores. We cannot now undo any part of the recently enacted tax legislation; but this is all the more reason why we need to undo promptly and drastically the prevalent monetary policy. (pages 47 and 48)

I should also like to read into the RECORD the remarkable statement issued last Sunday by former President Harry Truman. I am pleased indeed that he saw fit to reenter public discussion of this tremendously important subject. I agree wholeheartedly with his views. He said:

In response to the many kind and warm messages, expressing concern about my recent illness, I am glad to report that I am making satisfactory progress and expect that in the coming weeks I shall be able to resume my daily office routine.

In the meantime, I have tried to keep up with the news of the world, as best I could. There was little comfort for me in what I read.

There is a matter about which I am so deeply concerned that I feel it has become necessary for me to speak out.

A drastic increase in interest rates has been imposed on the American economy. A warning is current that higher rates are yet to come. We are told that this action was necessary in order to forestall inflation.

Of course, no one wants runaway inflation. But, I think it is fair to say that that kind of inflation is no longer possible in the United States.

What is more likely to happen is that we will bring on a precipitous deflation, if we persist in high interest practices. The result could be a serious depression.

These higher interest rates were in fact an added burden on all governments—Federal, state and local. The added interest costs end up as a further tax on the consumer.

We know from long experience that a drastic rise in interest rates works a hardship on the consuming public. It only benefits the privileged few.

We have had problems with the nation's money management through many critical periods in our history. Measures had to be taken by the Government to correct recurring abuses.

The nation's monetary structure was reorganized to be administered in the public interest through the Federal Reserve System. I am led to ask: "Is it being so administered now? Is it in the true sense a Federal system?"

During my Administration, we faced a similar threat of an arbitrary raise in the rates of interest. This was at the time of the Korean conflict.

I received notice of an impending move to confront the Government with a demand for higher interest rates of Treasury Bond issues, as well as certain other restrictive conditions, to be imposed by the Federal Reserve on the Treasury.

This would have meant an imposition of an additional nonproductive tax burden on the public—and we rejected it. The Government prevailed.

I, rarely, these days, take up my pen to make comment on matters which I am confident are receiving the concern and attention of the Administration. But, I thought that this was a matter which had reached a point where it became necessary for me to speak. There is yet time to remedy the situation.

Neither the President, the Congress, nor any other responsible group can longer pretend that the struggle in Vietnam is less than real war.

It is unfair to fight a war with fiscal and monetary policies which crucify the poor and the working people generally, while providing great bonanzas to those who are wealthy.

Only today, one of my friends in business told me that he saw a reputable businessman signing a contract to borrow money to build some apartment houses. The businessman was compelled to pay 8 percent interest with a 10-percent discount.

If this piece of mortgage paper were held to maturity, this would be the equivalent of 12½-percent interest. If for some reason the businessman decided to pay it within a year, this would be the equivalent of up to 20 percent.

To use my friend's term, he said:

Today's money market is made for shylocks who have money and no scruples.

Mr. President, there are even a great number of moneylenders who dislike what is happening today. The building and loan associations do not like it. The small banks do not like it. Even some of the big banks do not like it.

Unless and until we demonstrate that we are serious and determined, including the adoption of the right kinds of fiscal and monetary policies, to see the tragic and brutal struggle in Vietnam through to a successful conclusion, there is no possibility of ever bringing it to an end.

We should give serious consideration to moving rapidly in the same direction today that President Truman took in 1950 when he had the Korean war confronting him. Some action should be taken to stop firms from raising prices while at the same time both their dividends and their undistributed profits are going up even higher. We should have standby controls on credits, wages, and prices.

We should be selective about these matters, and I would be willing to be selective about the suspension of the investment credit. If there are bottlenecks where encouragement is needed to acquire capital, let these bottlenecks be identified and leave the investment credit available for those purposes—or even increase it.

The troop strength in Europe should be drastically reduced, and there should be more priorities both in the foreign aid program and in spending at home.

Mr. President, there is an election coming up, but the Congress should have additional proposals from the administration about these problems. I, as one Senator, am prepared to stay here until we do something about them.

What I am advocating here today is one important step in what should become a part of this Nation's fiscal, monetary, and debt management policies.

The Congress, and the tax-writing committees in particular, have reacted responsibly and cooperatively to the fiscal and debt management problems facing this Government.

Unfortunately, both the President and the Congress have been pursuing a fiscal policy in one direction, while the Federal Reserve Board has been pursuing a monetary policy in the opposite direction.

We have been forced and we are still being forced to trim our sails and chart our course to fit a monetary policy which is based fundamentally on the desire of money lenders to increase the take, without providing any additional services.

After former President Truman on Sunday spoke out strongly against the high interest rates which are victimizing over 90 percent of the people of this Nation, President Johnson stated that he favors lower interest rates, but that tight money is needed to restrain inflationary pressures. The Congress should provide the President with whatever laws and powers he needs to restrain inflationary pressures. The measure which I have introduced is one of them. Then the President should follow through to provide us with leadership to make the Federal Reserve Board, which

has been acting since December like the mischievous son of a rich man, act in the public interest for a change.

The money lenders are quite correct in making the point that the Federal Reserve Board is independent of the President and that it does not report to him. However, it is not independent of the Congress. The powers of the Federal Reserve Board were vested under the Constitution in the Congress of the United States. By laws of the Congress, we delegated most of our powers over monetary matters to the Federal Reserve. It is both our responsibility and our duty to tell this Board when it is not using those powers properly.

There is no doubt in my mind that the President can and will act when the situation requires it. He is getting a great deal of advice, much of it of a conflicting nature—some of it well-intentioned and some of it based on greed and prejudice.

It is my hope that the President will heed those sincere Americans such as Harry Truman and WRIGHT PATMAN whose interest is in doing what is best for 190 million people. To do otherwise will prove very costly to the Democrats in the November elections, even though it is Democrats and not Republicans who are speaking out against high interest rates and tight money.

In the last analysis, it is the President and his party which must bear the responsibility for what happens to this Nation. If the Nation prospers under policies calculated to bring social and economic justice to all of its people, our party will be one of the first benefactors. To pursue policies that reach an opposite result will in the end be disastrous for any administration that does so, even if every member of the opposing party should concur in such conduct.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a chart and an explanation of the amendment.

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

(See exhibits 3 and 4.)

EXHIBIT 1

Estimated total and interest-bearing private debt, computed average interest rate, and excess monetary interest, 1952 and 1965

[In billions of current dollars]

	1952	1965
Computation of excess monetary interest paid:		
Total gross private debt	337.1	992.8
Less non-interest-bearing debt-consumer debt [1]	9.4	20.0
Corporate accounts payable [2]	35.4	97.0
Other corporate short-term debt [3]	54.5	120.2
Equals:		
Total interest-bearing private debt, end of year	237.8	755.6
Average total interest-bearing private debt, during year	225.3	723.0
Total interest paid on private debt [4]	11.2	49.0
Computed average monetary interest rate (percent)	4.97	6.78

[1] Installment credit held by department, furniture, and household appliance stores and other retail outlets except automobile dealers, plus noninstallment charge accounts and service credit; data from Federal Reserve Bulletin.

[2] Total accounts payable of corporations except banks and trust companies and insurance carriers and agents. Data for 1952 based on Statistics of Income (IRS); 1965 estimate is based primarily on SEC data.

[3] Corporate short-term debt other than notes and accounts payable; data from Office of Business Economics, Survey of Current Business.

[4] Monetary interest paid by private business, households, and institutions from OBE less monetary interest not related to OBE private debt concept: interest and dividends on time and savings deposits by insured commercial banks, mutual savings banks, and savings and loan associations.

NOTE.—Estimates for 1965 are preliminary, and for some components only rough approximations.

EXHIBIT 2

AMENDMENT 780

At the end of the bill insert the following new title:

"TITLE II.—SUSPENSION OF INVESTMENT CREDIT

"SEC. 201. Suspension of investment credit.

"(a) In General.—Section 46(c) (relating to defintion of qualified investment) is amended by adding at the end thereof the following new paragraph:

"'(5) Suspension of credit.—Notwithstanding any other provision of this subpart, the term 'qualified investment' shall not include any amount with respect to section 38 property placed in service during the suspension period, other than section 38 property placed in service during such period—

"'(A) to the extent such property is attributable to construction, reconstruction, or erection by the taxpayer (i) before August 30, 1966, or (ii) on or after August 30, 1966, and on or before December 31, 1966, pursuant to the terms of a binding contract as in effect on August 29, 1966; or

"'(B) which was acquired by the taxpayer (i) before August 30, 1966, or (ii) on or after August 30, 1966, and on or before December 31, 1966, pursuant to the terms of a binding contract as in effect on August 29, 1966.'

For purposes of this paragraph the term "suspension period" means the period beginning on August 30, 1966, and ending on the date of the repeal of this paragraph.

"(b) Application of Unused credit carrybacks and carryovers.—Section 46(b)(2) (relating to limitation on allowance of credit for carryback and carryover of unused credit) is amended by adding at the end thereof the following new sentence: 'For purposes of this paragraph, the amount of the credit allowable under subsection (a)(1) shall be determined as if subsection (c)(5) (relating to suspension of credit) had not been enacted.'

"(c) Effective date.—The amendments made by subsections (a) and (b) shall apply to taxable years ending on or after August 30, 1966."

EXHIBIT 3

Net investment and net borrowing in credit markets—Seasonally adjusted annual rates

[Billions of dollars]

	Year totals			1964			1965				1966	
	1963	1964	1965	II	III	IV	I	II	III	IV	I	II
Total, households and business:												
Investment	43.2	48.3	62.1	48.4	48.9	50.0	61.0	58.4	62.1	67.1	71.1	69.7
Borrowing	42.9	49.5	58.1	57.9	46.2	51.1	55.8	60.5	55.5	60.4	60.0	61.4
Corporate business:												
Investment	13.0	16.8	24.9	15.8	15.3	20.7	25.0	22.6	24.1	28.0	31.6	34.4
Borrowing	10.3	13.5	20.2	18.1	12.6	15.6	17.5	22.6	18.6	22.1	24.2	26.8
Nonfarm noncorporate business:												
Investment	5.3	5.0	5.3	5.4	5.7	4.6	6.0	4.9	4.5	5.6	5.2	4.7
Borrowing	5.9	6.2	7.2	8.0	5.9	5.8	7.2	7.7	6.8	7.0	6.6	7.1
Nonfarm business:												
Investment	18.3	21.7	30.2	21.3	21.0	25.3	31.0	27.5	28.6	33.5	36.8	39.0
Borrowing	16.2	19.7	27.4	26.2	18.5	21.4	24.8	30.4	25.4	29.0	30.8	33.9
F rms:												
Investment	.9	−.5	1.4	−1.0	−.5	−.1	----------	1.0	2.2	2.5	1.6	1.5
Borrowing	2.6	2.5	3.1	2.9	2.5	2.1	3.4	2.6	3.4	3.2	4.3	3.9
Households:												
Investment	24.1	27.1	30.5	28.2	28.5	24.8	29.9	29.9	31.3	31.1	32.7	29.1
Borrowing	24.1	27.3	27.6	28.9	25.2	27.6	27.6	27.6	26.7	28.1	24.9	23.5

NOTE.—Net investment equals total outlays for fixed capital and inventory less capital consumption allowances. Includes consumer durables. II/66 is estimated from preliminary information and is subject to early revision.

EXHIBIT 4

SUSPENSION OF INVESTMENT CREDIT—EXPLANATION OF AMENDMENT

This amendment would suspend the investment credit as of August 30, 1966, and continuing on through the date Congress subsequently fixes to terminate the suspension. Under the amendment, taxpayers who have binding commitments to acquire assets for which the credit would be available are given until December 31, 1966 to actually acquire the property and get the credit. Property acquired after December 31, 1966, would be ineligible for the credit notwithstanding a prior binding commitment.

Unused investment credits from prior years could be taken during the period the investment credit is suspended but only to the extent that they could be used if the credit had not been suspended. This means that a taxpayer will have to cut back on his current acquisitions if he wants to utilize his unused credits. This is particularly appropriate in the context in which the bill is introduced because it could free credit for other more desirable purposes.

Mr. HARTKE subsequently said: Mr. President, I am very glad that my good friend, the chairman of the Finance Committee and the distinguished majority whip [Mr. LONG of Louisiana] has taken the floor to give such a dramatic

presentation of the increasingly imbalanced economic results of the present tight-money policy. I agree with him wholeheartedly in his analysis of the situation, even though I do not find the same virtue he does in the cure he proposes.

Mr. President, just as escalation breeds escalation, so does inflation breed inflation. The spiral involved in the economic phenomenon of rising living costs is one in which the higher steps depend upon those taken earlier. In that spiral, the development if high interest rates at seemingly stratospheric levels, levels which competent economists believe may not yet have hit their ultimate peak, began with the action of the Federal Reserve Board of last December, at which time I was among those who saw this as a foreboding of the future.

Senator LONG has correctly and very convincingly shown in his remarks the manner in which the burden falls most heavily upon the "small" individual, the little businessman and the ordinary citizen buying a home or paying for cars and household appliances on credit. In addition to the added direct cost of inflated interest rates, the felony is compounded by the price increases placed before the customer because the producer and the distributor find them necessary in order to offset their own higher interest rates.

As the Senator from Louisiana has shown, the intention of the Federal Reserve Board to contract the economy in order to halt inflation by increasing interest rates has not had the desired effect. There has not been a contraction of the total, since the reduction in household borrowing—$4 billion from the second quarter of 1965 to the second quarter of 1966—has been almost exactly offset by the increase in corporate business borrowing. It will not do simply to shift these sums from one sector to another, if we are intent on achieving the intended goal.

Yet that is the primary result of the deliberate high interest rate to date. Big business has not halted its borrowing because of the increase of rates, but there are signs that in at least some instances corporations have been scrambling for borrowed funds lest later they find the rates higher still and the availability even less.

The ordinary citizen, the homeowner with a mortgage, the young couple about to enter the homebuying market if they can surmount the present obstacles, are those who are being penalized. We must indeed find a way, as President Truman has so clearly indicated, and as some of us have said repeatedly, to secure the present breach in our economy being torn ever wider by the high interest rates and scarce money policy now in effect.

Since the Senator is chairman of the Finance Committee, I think his words of warning are highly in order, and I think his statement is one which the Senate should take to its bosom and which the country should look to with a great deal of interest in anticipation of future action.

I am hopeful that we in the Finance Committee will act, and I am hopeful that the administration will change its present policies, which are heading this Nation toward economic chaos and trouble.

I again commend the Senator from Louisiana for his fine statement, and I am certain that he will continue to make his approach well known, not alone to this body, but to the administration as well.

Mr. DODD subsequently said: Mr. President, I would like to commend our distinguished majority whip, Senator LONG, for the very excellent and penetrating speech he made earlier today.

Undoubtedly, one of the most significant domestic problems we face at the present time is that of the tightness of the money market.

As Senator LONG pointed out, the very people and the very businesses that have been affected the most by our present monetary policy are those who can least afford it.

People of modest means who want to purchase a home, and small businesses that need money for expansion are the ones who cannot get enough funds, and the Senator is absolutely correct when he advocates steps to make more money available.

Larger businesses, on the other hand, are able to borrow as easily as they could before the money squeeze began earlier this year.

I personally support Senator LONG's proposal to suspend indefinitely the investment tax credit.

And I do think that the able majority whip deserves our attention and our thanks for his expert thoughts on this difficult and somewhat controversial subject.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the Executive Calendar.

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

There being no objection, the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. RANDOLPH, from the Committee on Public Works:

Col. Crawford Young, Corps of Engineers, to be a member of the California Debris Commission;

Lt. Col. Frank C. Boerger, Corps of Engineers, to be a member of the California Debris Commission;

Thomas S. Francis, of Maryland, to be Federal Cochairman of the Upper Great Lakes Regional Commission; and

Miles S. McKee, of Michigan, to be a member of the Advisory Board of the Saint Lawrence Seaway Development Corporation.

By Mr. MAGNUSON, from the Committee on Commerce:

Norman E. Taylor, and sundry other persons, for permanent appointment in the Environmental Science Services Administration.

By Mr. HILL, from the Committee on Labor and Public Welfare:

Ivan L. Bennett, Jr., of Maryland, to be Deputy Director of the Office of Science and Technology; and

Harry R. Pauley, of West Virginia, and Charles R. Ferguson, of Pennsylvania, to be members of the Federal Coal Mine Safety Board of Review.

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

U. Alexis Johnson, of California, a Foreign Service officer of the class of career ambassador, to be Ambassador Extraordinary and Plenipotentiary to Japan;

John S. Hayes, of Maryland, to be Ambassador Extraordinary and Plenipotentiary to Switzerland;

Miss Carol C. Laise, of the District of Columbia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to the Kingdom of Nepal; and

Leo G. Cyr, of Maine, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to the Republic of Rwanda.

Mr. FULBRIGHT. Mr. President, I also report favorably from the Committee on Foreign Relations the following nominations which have previously appeared in the CONGRESSIONAL RECORD. In order to save the expense of printing them on the Executive Calendar, I ask unanimous consent that they lie on the Secretary's desk for the information of any Senator.

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

The nominations, ordered to lie on the desk, are as follows:

A. John Cope, Jr., of Washington, and sundry other persons, for appointment and promotion in the Foreign Service.

EXECUTIVE REPORTS OF COMMITTEE ON ARMED SERVICES

Mr. RUSSELL of Georgia. Mr. President, from the Committee on Armed Services I report favorably the following nominations:

Lt. Gen. Thomas P. Gerrity, U.S. Air Force, to be senior Air Force member, Military Staff Committee, United Nations; 69 officers for promotion to general officer rank in the Army; 14 Marine Corps officers for appointment to rank of brigadier general and major general. I ask that these names be placed on the Executive Calendar.

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

The nominations, ordered to be placed on the Executive Calendar, are as follows:

Maj. Gen. Jonathan O. Seaman, U.S. Army, and Maj. Gen. Stanley R. Larsen, Army of the United States (colonel, U.S. Army), to be assigned to positions of importance and responsibility designated by the President;

William K. Jones, Raymond G. Davis, and Charles J. Quilter, for temporary appointment in the Marine Corps;

George E. Dooley, and sundry other officers, for temporary appointment in the Marine Corps;

Lt. Gen. Thomas P. Gerrity (major general, Regular Air Force), U.S. Air Force, to be senior Air Force member, Military Staff Committee, United Nations; and

Col. Elvy Benton Roberts, Army of the United States (lieutenant colonel, U.S. Army), and sundry other officers, for temporary appointment in the Army of the United States.

Mr. RUSSELL of Georgia. Mr. President, in addition, I report favorably the nominations of 1,483 officers for appointment and promotion in the Army in the grade of colonel and below; 91 officers for appointment in the Navy in the grade of lieutenant commander and below; 1,164 officers for appointment in the Marine Corps in the grade of captain and below; and 2,063 officers for appointment and promotion in the Air Force in the grade of colonel and below. Since these names have already appeared in the CONGRESSIONAL RECORD, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

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

The nominations, ordered to lie on the desk, are as follows:

Duane A. Aamodt, and sundry other officers, for promotion in the Regular Air Force;

Marsene E. Adkisson, for reappointment to the active list of the Regular Air Force, in the grade of lieutenant colonel, from the temporary disability retired list;

Robert S. Demski, and sundry other persons, for appointment in the Regular Air Force;

James J. Cortez, and sundry other officers, for promotion in the Regular Army of the United States;

Arthur L. Wilkins, for reappointment to the active list of the Regular Army of the United States, from the temporary disability retired list;

Henry J. Armstrong, and sundry other persons, for appointment in the Regular Army;

Walter H. Jones, and sundry other distinguished military students, for appointment in the Regular Army of the United States;

Edward C. Schriber, and Hans W. Lindholm, for temporary appointment in the Marine Corps;

Charles B. Armstrong, Jr., and sundry other officers, for temporary appointment in the Marine Corps;

Sergei F. Pron, and sundry other enlisted personnel, to be ensigns in the Navy;

Leslie G. Kappel (Naval Reserve Officers' Training Corps candidate), for permanent assignment in the Navy;

Melvin Ervin, Jr. (civilian college graduate), for permanent assignment in the Navy;

Roger E. Bisson, and sundry other Naval Reserve officers, for permanent assignment in the Navy;

Hugh A. Burkett (Navy enlisted scientific education program), for permanent assignment in the Navy;

Robert J. Douglas, and Charles S. Huttula, for temporary promotion in the Navy;

Winifree M. Abernethy, and sundry other officers, for temporary appointment in the Marine Corps;

Joseph M. Cavanagh, and sundry other officers, for permanent appointment in the Marine Corps;

Walter Acuff III, and sundry other officers, for temporary appointment in the Marine Corps; and

Robert G. Lewis, and sundry other officers, for promotion in the Regular Army of the United States.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will state the nomination on the Executive Calendar.

DEPARTMENT OF JUSTICE

The assistant legislative clerk read the nomination of Constance Baker Motley, of New York, to be U.S. district judge for the southern district of New York.

Mr. EASTLAND. Mr. President, I cannot approve this nomination. I could not vote for it in the committee.

The Internal Security Subcommittee received a telephone call from a witness who desired to come down and testify. She was placed under oath and she placed this nominee in the Communist Party. In fact, for a 2-year period she placed her in the party.

The witness told of the nominee organizing a Communist study group at New York University. She testified that both she and her husband knew of this activity by the nominee. At this point let me say that the husband of this witness was a very wealthy man in the State of Connecticut.

This witness is, in my judgment, a very high-class lady. She is now divorced from her husband. She is a high school teacher. This witness stated that she and her husband had been members of the Communist Party and active in youth work in Connecticut. She told of having driven what she called "a group of Negro Communists" to a Washington, D.C., meeting from New Haven, Conn., in 1942, in her husband's automobile.

She testified further that she had "picked up other Communist members and Youth League members, on other occasions." She testified that one of the individuals for whom she had thus acted as chauffeur was Constance Baker who, at the time, was living on Dickerman Street in New Haven, Conn. This witness described the house. It is true that the nominee lived in that house at the time.

The witness testified that she knew Constance Baker well, that she "had picked her up several times and brought her to meetings." The witness said also that she "brought her, and took her home." She identified meetings referred to as "both Young Communist League meetings and Connecticut Youth Conference meetings."

This witness testified that she knew Constance Baker as a Communist because she had attended closed meetings of the Young Communist League, at which Constance Baker was present. This witness twice independently recalled the name of Constance Baker as an individual who had attended closed meetings of the Young Communist League.

The witness declared that she knew the Young Communist League to be at the time a Communist or a Communist-dominated organization.

She identified the Constance Baker she knew as being the same person as Constance Baker Motley, having seen her picture in the newspapers. She declared that Constance Baker, now Constance Baker Motley, had been present "at many meetings" of the Young Communist League, and said that on one occasion Constance Baker had given a report at such a meeting on her activities in the Urban League. The witness described where that meeting was held, at Communist Party headquarters on Howe Street in New Haven, "across the street from the 'Y'." That is where Communist headquarters were, Mr. President.

This witness further testified that in the summer of 1943, while she was living in New York, Constance Baker also was in New York, taking a summer course at New York University. The witness described the particular occasion when, she said, Constance Baker visited at the apartment occupied by the witness and her husband, and asked for some advice.

The witness said, "Connie was organizing a Young Communist League group, study group, at New York University" and that "she wanted some advice as to what she should do about this particular group that she was forming."

The witness said her husband gave advice in response to Constance Baker's request, and that "he also suggested that she see a fellow who is living in New York who would help her and assist her with this work." The "work" referred to was specifically identified by this witness as the formation of a Young Communist League group at New York University. The man whom Constance Baker was told to see is the individual that this committee has not been able to locate. We have diligently searched for him. Now, that has delayed it.

With respect to Constance Baker's efforts to form a Communist group at New York University, the witness testified later that she and he husband were told by Constance Baker that "the group was underway"—the Communist organization was underway. The witness testified further, regarding Constance Baker, that "after she saw my husband that first time, she kept in touch with him about this particular group that had been formed at New York University."

In answer to a question, the witness stated that by "this group" she meant the Communist group referred to earlier.

The witness swore that she knew Constance Baker "as a member of the Young Communist League, and an ardent Communist."

I am quoting from her testimony.

The witness showed the Internal Security Subcommittee a notebook which she said had been kept by her husband, from which she read what she said was the address at which Constance Baker lived in New York City in 1943: 175 West 137th Street—which the witness identified as the YWCA.

The witness stated that Constance Baker knew the witness' husband as a member of the Communist Party and a party functionary, that she had "gone several places with him" during the 1939–40 period, to speak to Negro groups, and

that on the occasion referred to, when Constance Baker asked advice in New York in 1943, she had consulted the witness' husband "as a member of the Communist Party."

The witness was asked:

Did you ever hear a discussion of Constance Baker's role or prospective role in the Communist Party?

And replied—

Yes, sir. She was supposed to be groomed to work with the Negroes, and this was supposed to be her job.

The witness explained that she meant Constance Baker was being groomed "to become an active leader with the Negroes" for the Communist Party.

The witness said that Constance Baker was "a favorite of Sid Taylor, who was the head of the YCL. The YCL is an abbreviation for the Young Communist League.

The diary which the witness produced, which she said had belonged to her husband, indicated that Constance Baker had attended the Seventh American Youth Congress in Philadelphia in July of 1941, and the witness identified this Conference as a Communist-dominated meeting.

The witness testified she was "directly" associated with Constance Baker—now Constance Baker Motley—until some time in 1943, and that Constance Baker was at that time a Communist.

Mr. President, that was her testimony.

She, under oath, gave names of other people who were at Communist meetings which she alleged that the nominee attended.

Those people were subpenaed and brought down. Most of them took the fifth amendment. Now, we subpenaed the husband. They are now divorced. The husband was a very wealthy man and has been a financial man, one of the finance men for the Communist Party, I think, as I remember his testimony both before and after the war. The husband denied all of this testimony or said he did not remember. He admitted that the diary was his. He admitted that other exhibits which his former wife left with the Internal Security Subcommittee were his. They bore out her testimony. But he stated that he had attempted to recruit Constance Baker into the Communist Party but that she had refused to join.

Now, that is the status of the testimony.

We have information from Antioch College of Communist activity there, which we have not had time to investigate or to check out.

Let me tell the Senate that from a source—from a file—of one of the armed service intelligence sources—we learned of a report that this Constance Baker there, during the war, was listed as being trained for the Red underground. Now, we tried to trace that cut but we were unable to do so. This was just a note from one of the armed service intelligence files. We were not able to get the file itself, or learn the identity of the informant.

Mr. JAVITS. Mr. President, Constance Baker Motley is now borough president of Manhattan, a very prominent official in New York. She is the nominee of the President. She was not recommended by me. But I think it is understood by members of the Judiciary Committee, and knowing of her origins in New York, that I should have interested myself in this matter. I approved of her nomination, as did my colleague [Mr. KENNEDY] who is in the Chamber.

We must match what has been said against Mrs. Motley's record. First, her public exposure. Second, she was elected to the New York State Senate in 1964. She has been a very prominent person on the scene, and going back to the 1950's she was one of the principal counsel for the National Association for the Advancement of Colored People in the case of Brown against Board of Education, decided in 1954, with Thurgood Marshall.

Mrs. Motley is a woman of great capacity. She is 45 years of age. She has been admitted to the bar of the State of New York for 18 years.

As we go through her records—not at length, but I trust the Senate will indulge me—I think, measured against the uncorroborated testimony of one woman whom the Senator from Mississippi [Mr. EASTLAND] referred to, which testimony came in a totally collateral procedure, and who did not appear in the hearing on Mrs. Motley's nomination——

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

Mr. JAVITS. I yield.

Mr. EASTLAND. The Senator, by special resolution, has charged that committee with investigations of this character. After the subcommittee had received the nomination, we received this information, and it was my duty as chairman to go into it.

Mr. JAVITS. I do not challenge at all what the Senator from Mississippi has said. I only point out that Mrs. Motley was nominated for the Federal court judgeship in January 1966. A subcommittee was finally appointed, consisting of the Senator from North Dakota [Mr. BURDICK], the Senator from Michigan [Mr. HART], and myself. That subcommittee met, after due notice, on April 4, 1966. Notice of hearing was published on March 16, 1966. Certainly there was a reasonable time. No one appeared in opposition to Mrs. Motley's nomination.

The nomination, therefore, was recommended by the subcommittee. Only considerably later was it made known what took place before the Internal Security Subcommittee, the material which has been referred to here on the floor, bearing upon Mrs. Motley's past.

We thereupon requested, as was proper, that members of the committee who are not members of the Internal Security Subcommittee should have an opportunity to read the record. That record was made available. We read the record. At least, I did. I suppose other members of the committee did. Then the nomination was confirmed by the committee with two dissenting votes.

I cannot guarantee what other members of the committee did, but they had an opportunity to read the record, as I did, and I read it. The Senator from Michigan [Mr. HART] and the Senator from North Dakota [Mr. BURDICK] certainly read it. We voted to confirm, with only two dissenting votes. We kept the record open so that all members of the committee would have an opportunity to vote.

Therefore, as against the uncorroborated testimony of one woman with respect to events which went back 24 years—as the Senator has said, in 1942 and 1943—at a time when she was 21 years old——

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

Mr. JAVITS. I yield.

Mr. EASTLAND. The Senator says this goes back to 1943. How far did the Senate go back when we had the Marshall nomination before us?

Mr. JAVITS. The Senate has a right to go back to the time of one's birth, but the Senate also has a right to evaluate the time involved in view of the record built up, and measure it against the uncorroborated testimony of one witness with respect to events which occurred 24 years ago. I merely say that is a factor to be considered by the Senate. I do not say that this fact should not be considered. I only say it should be weighed against the record of Mrs. Motley in the subsequent 24 years.

Here is the record. The Senator from Mississippi mentioned Antioch College. The record does not show that she attended it. She attended Fisk University at Nashville from 1941 to 1942; New York University, in New York City, from 1942 to 1943 where she took her bachelor's degree; Columbia University, from 1944 to 1946, where she took her bachelor of laws and she became a research student.

Finally, she was counsel for the National Association for the Advancement of Colored People, the Legal Defense and Education Fund. As my colleagues know by now, she herself is a Negro.

She was one of the principal counsels with Thurgood Marshall in many of the cases which he tried.

As a matter of fact, one of the points which commended her for this post, which is so important in our country, is that she argued 10 cases in the U.S. Supreme Court. Mr. President, I am a lawyer with much experience, and I have not argued that many cases, and I am 17 years older than Mrs. Motley. So she is a lawyer of great experience.

Here is the other point which appealed so strongly to me, and I think it should to other Senators. We have a character committee for the bar of New York. In order for one to be admitted, the character committee gives an applicant a thorough going over. It is a committee of fitness.

Many who have studied law have had the tragedy of being stopped there in their tracks, and they have not been admitted for reasons infinitely less serious than those stated here as affecting her early life. Apparently she passed through that committee unscathed. She was admitted to the bar, and has remained a member of the bar for 18 years.

She was counsel for a great organization carrying on a great legal battle. Knowing of those who had opposition against the NAACP in that fight, we know that if they could have found any-

thing to use against Mrs. Motley, they would have done so. So nothing was found against her.

She ran for New York senator in 1964. If there is any place where people will dredge up anything they can, it certainly is in that political battle. No one questioned her. She was elected to the State senate from a West Side district.

Then she became borough president of Manhattan, again in the white light of public scrutiny, again with nothing brought up against her. Finally, to cap it off, the Justice Department gives a most thorough going over to such applicants. So does the FBI. The administration is not going to be embarrassed by having anybody nominated who cannot pass the test.

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

Mr. JAVITS. I yield.

Mr. EASTLAND. The Senator mentioned the FBI. The Senator has not seen the FBI file; has he?

Mr. JAVITS. I have not seen it. I may ask the Senator from Mississippi if he has seen it.

Mr. EASTLAND. Yes. Of course, I would violate a confidence by getting on the floor and stating what was in the FBI file. I certainly would not make a statement that there was not information in that file that bears out this testimony. I would not make such a statement that there is no such information, but I would not attempt to lead the Senate to believe that there is nothing in that file. I judge that that was the tenor of the Senator's remarks.

Mr. JAVITS. No; that is the tenor the Senator reads into my remarks. That is not what I said. The tenor of my remarks was that after the Justice Department and the FBI checked into the nominee, the administration continues to be for her judgeship. I implied nothing else.

There are many unscreened and unevaluated things about all of us, perhaps, in the files of the FBI, Naval Intelligence, Army Intelligence, and everywhere else. I am very well aware of that, as the Senator from Mississippi knows. That fact has caused a lot of people a lot of trouble, including me. So I speak from experience.

But that does not mean one is guilty of anything. Not in this country. All I am invoking the proceedings of the Department of Justice and the FBI about is that Mrs. Motley's name is here, it continues to be here, the administration sent it here, and it has not backed away from it at all, to its eternal credit. Neither do I, and neither did the overwhelming majority of the members of the Committee on the Judiciary.

Mrs. Motley is an outstandingly fine lawyer, and as fine a woman, so far as I have been able to ascertain from all of these sessions, as reasonable men of high probity and character could wish. I think that her record, and the rather unusual amount of public exposure she has had, as I have just recounted, should give us all the reassurance which we require to stand against the uncorroborated testimony of one person, in, I repeat, a proceeding before another committee, which the same witness did not think it worth while to bring to us, who were the subcommittee sitting on this nomination, to which there was no opposition—not a letter, not an appearance, nothing.

I certainly do not think we ought to destroy a career by turning down this confirmation upon, in my opinion, such a very unsubstantial basis. I agree with the Senator from Mississipi that, since he felt as he did about it, he had a duty to lay the facts before the Senate; and I am glad that he has. But I feel that the overwhelming weight of the evidence and Mrs. Motley's record over all of this time are in favor of this nomination, and I hope the Senate will confirm it.

Mr. KENNEDY of New York. Mr. President, I, too, rise to speak in favor of the nomination of Constance Baker Motley, and I associate myself with the remarks of my senior colleague.

I recommended Mrs. Motley to the Department of Justice and to the President. I recommended her on the basis of my own personal experience, having worked with her, when I was Attorney General of the United States, on some very difficult matters, matters which required a great deal of courage and judgment on her part.

I do not think there was a lawyer involved in civil rights matters during that period of time for whom those of us who were involved in those matters in the Department of Justice had greater respect than we had for Mrs. Motley. She showed sound judgment and great courage and integrity.

So my recommendation is based on that personal experience, plus her reputation, which is of the highest order. My senior colleague has listed some of the matters in which she has been involved during the course of her career, in which she has conducted herself with the greatest degree of intelligence and the highest degree of integrity throughout.

Although young in years, Mrs. Motley has had a long and distinguished record as a lawyer and as a public official.

Since her admission to the bar in 1948, she has been counsel in a substantial number of significant cases and has successfully argued many important appeals before the Supreme Court of the United States.

As I indicated, she has been especially active as a lawyer in the field of civil rights, and her representation of her clients in that area has been particularly outstanding.

In addition to her distinguished record as a lawyer, Mrs. Motley has served in the Legislature of the State of New York as a State senator, and she has also served her State as a member of the State Advisory Council on Employment and Unemployment Insurance.

Since February 1965 she has been the President of the Borough of Manhattan.

So I was very pleased to have the opportunity to recommend her to the President of the United States. My senior colleague has mentioned a number of organizations and groups with which she has been associated, and the fact that she has run for political office in the city of New York and the State of New York. There has, therefore, been ample opportunity over the years for any derogatory matter in connection with Mrs. Motley to be brought out in public.

There is one point I wish to emphasize. In connection with the FBI report, one person who did see that report was the Attorney General of the United States. He was one man who had the opportunity to study the FBI report and all of the evidence that the Senator from Mississippi has stated is available. He had the opportunity to study that and go into it in great detail.

Moreover, he has a responsibility to the Senate and to the people of the United States in the field of internal security. It hardly seems likely that the Attorney General, if he had had any information at all that Mrs. Motley was associated, even in a remote way, with the Communist Party, would have written a letter to the President and recommended that she be made a judge.

In the second place, the President himself would have had access to all of this information. It hardly seems likely that he would have recommended that the Senate confirm the appointment of Mrs. Motley as a judge, if there was any indication, any evidence, or any information that she was identified or associated with the Communist Party.

Not only has Mrs. Motley run for public office, where all these matters could have been exposed, but she has been associated with a major national organization dealing with civil rights, where undoubtedly, as my senior colleague has stated, the offices of that organization would have gone into these matters thoroughly.

But I think the most positive point in her favor is the fact that the Attorney General of the United States, who has this basic responsibility, would not have made this recommendation to the President, and the President would not have submitted her nomination to the Senate, had there been any basis for the charge. And I state for myself that, having known Mrs. Motley and her reputation, and having been aware of some of these matters, I still highly recommended her to the President, and I highly recommend her now.

I urge the confirmation of her nomination.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination?

The nomination was confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

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

LEGISLATIVE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Senate resumed the consideration of legislative business.

FOOD FOR PEACE ACT OF 1966

The Senate resumed the consideration of the bill (H.R. 14929) to promote international trade in agricultural commodities, to combat hunger and malnutrition, to further economic development, and for other purposes.

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending question is on agreeing to the amendment of the Senator from Arkansas [Mr. FULBRIGHT]. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from Idaho [Mr. CHURCH], the Senator from Arizona [Mr. HAYDEN], the Senator from Hawaii [Mr. INOUYE], the Senator from Ohio [Mr. LAUSCHE], the Senator from Montana [Mr. METCALF], the Senator from South Carolina [Mr. RUSSELL], and the Senator from Georgia [Mr. RUSSELL] are absent on official business.

I also announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Illinois [Mr. DOUGLAS], the Senator from Tennessee [Mr. GORE], the Senator from New Hampshire [Mr. MCINTYRE] and the Senator from Maine [Mr. MUSKIE] are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. BARTLETT] would vote "nay."

I also announce that if present and voting the Senator from Georgia [Mr. RUSSELL] would vote "yea."

Mr. KUCHEL. I announce that the Senator from Utah [Mr. BENNETT] and the Senator from California [Mr. MURPHY] are absent because of illness.

The Senator from New Jersey [Mr. CASE] is absent on official business.

The Senator from Delaware [Mr. BOGGS], the Senator from Hawaii [Mr. FONG], the Senator from Idaho [Mr. JORDAN], the Senator from Kansas [Mr. PEARSON], the Senator from Pennsylvania [Mr. SCOTT], the Senator from Wyoming [Mr. SIMPSON] and the Senator from Texas [Mr. TOWER] are necessarily absent.

The Senator from Kansas [Mr. CARLSON], the Senator from Nebraska [Mr. CURTIS], the Senator from Massachusetts [Mr. SALTONSTALL] and the Senator from Delaware [Mr. WILLIAMS] are detained on official business.

If present and voting, the Senator from Delaware [Mr. BOGGS], the Senator from New Jersey [Mr. CASE], the Senator from Hawaii [Mr. FONG], the Senator from Idaho [Mr. JORDAN], the Senator from California [Mr. MURPHY], the Senator from Kansas [Mr. PEARSON], the Senator from Pennsylvania [Mr. SCOTT], and the Senator from Massachusetts [Mr. SALTONSTALL] would each vote "nay."

On this vote, the Senator from Utah [Mr. BENNETT] is paired with the Senator from Nebraska [Mr. CURTIS]. If present and voting, the Senator from Utah would vote "yea" and the Senator from Nebraska would vote "nay."

On this vote, the Senator from Wyoming [Mr. SIMPSON] is paired with the Senator from Texas [Mr. TOWER]. If present and voting, the Senator from Wyoming would vote "yea" and the Senator from Texas would vote "nay."

The result was announced—yeas 11, nays 63, as follows:

[No. 237 Leg.]

YEAS—11

Byrd, Va.	Gruening	Morse
Cotton	Hartke	Symington
Dirksen	Hickenlooper	Young, Ohio
Fulbright	McClellan	

NAYS—63

Aiken	Hill	Moss
Allott	Holland	Mundt
Anderson	Hruska	Nelson
Bass	Jackson	Neuberger
Bayh	Javits	Pastore
Bible	Jordan, N.C.	Pell
Brewster	Kennedy, Mass.	Prouty
Burdick	Kennedy, N.Y.	Proxmire
Byrd, W. Va.	Kuchel	Randolph
Cannon	Long, Mo.	Ribicoff
Clark	Long, La.	Robertson
Cooper	Magnuson	Smathers
Dodd	Mansfield	Smith
Dominick	McCarthy	Sparkman
Eastland	McGee	Stennis
Ellender	McGovern	Talmadge
Ervin	Miller	Thurmond
Fannin	Mondale	Tydings
Griffin	Monroney	Williams, N.J.
Harris	Montoya	Yarborough
Hart	Morton	Young, N. Dak.

NOT VOTING—26

Bartlett	Gore	Pearson
Bennett	Hayden	Russell, S.C.
Boggs	Inouye	Russell, Ga.
Carlson	Jordan, Idaho	Saltonstall
Case	Lausche	Scott
Church	McIntyre	Simpson
Curtis	Metcalf	Tower
Douglas	Murphy	Williams, Del.
Fong	Muskie	

So Mr. FULBRIGHT's amendment was rejected.

Mr. ELLENDER. Mr. President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

Mr. DIRKSEN. Mr. President, I call up my amendment No. 778.

The PRESIDING OFFICER (Mr. HARTKE in the chair). The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Illinois [Mr. DIRKSEN] proposes an amendment on page 53, between lines 17 and 18, insert the following:

(E) by adding at the end of section 303 the following: "Notwithstanding any other provision of this Act, the President shall give first priority under this Act to agreements with friendly countries for the exchange of agricultural commodities for strategic and other materials needed by the United States, and no agreement for the sale of agricultural commodities may be entered into under title I with any friendly country unless the President (1) has determined that such country has no such materials reasonably available for exchange, and (2) has so notified the Congress in writing to that effect."

On page 53, line 18, strike out "(E)" and insert in lieu thereof "(F)".

Mr. DIRKSEN. Mr. President, actually, what this amendment amounts to is reinstating barter agreements, so that if a country has critical and strategic materials and resources that we could use, and the President found that they were necessary, those countries would have first priority, and we would get a little something for what we would otherwise be giving away.

In the early administration of Public Law 480, barter contracts were entered into for a variety of strategic and critical materials that were on the Office of Defense Mobilization list of strategic and critical materials. We acquired from foreign sources minerals for stockpile such as copper, lead, zinc, mercury, and others. These stockpiles have proven to be of incalulable value during the Viet conflict. The drawdown on these supplies has been heavy, and the stocks should be replenished as soon as possible.

Aside from its importance to our defense capability, the barter program had two beneficial effects abroad. First, it enabled undeveloped properties to be developed and brought into production, thus widening the foreign source of supply for minerals in which the United States is not self-sufficient—as, incidentally, we are not, in most strategic and critical minerals. This development and production also created employment abroad. In addition, the development of these additional sources of supply also tended to stabilize the market.

One hundred and twenty countries and territories received agricultural commodities under the barter program. The approximate value of these commodities was $1,652 million. As indicated in the 19th semiannual report on Public Law 480, "Exporting Agricultural Commodities Instead of U.S. Dollars Helps the U.S. Balance-of-Payments Position." The International Economic Policy Association estimated, on page 95 of its book "The U.S. Balance of Payments"—an appraisal of U.S. economic strategy— that:

Strategic materials obtained under title III (Public Law 480) through barter transactions have saved $1.6 billion.

The food-for-peace measure virtually insures that there will be no further barter transactions. This results from the very generous terms provided in title I of the bill. There could be little question as to what choice a country would make if it could avail itself of the terms of title I. Certainly, it would be highly unlikely that it would voluntarily offer to barter. Rather, it could reasonably be expected to avail itself of the provisions of title I, and then sell any surplus minerals it had on the U.S. market, depressing domestic prices and causing an outflow of dollars. I think Chile copper is a splendid example of that.

Certainly, it would seem reasonable to require that the President exhaust barter possibilities before authorizing title I sales.

It has been said of the pending bill, "What you can't do under the Foreign Assistance Act you can do under this one and furthermore you have the expertise of Orville Freeman's management."

I believe that we can get a little something for our commodities if we reinstate this barter arrangement, and not give them an incentive to just take it whole hog and "for free."

That is the whole story.

Mr. ELLENDER. Mr. President, I rise in opposition to the amendment of the Senator from Illinois.

A provision such as this has been in the law for the past several years.

The law now provides:

The Secretary shall, whenever he determines that such action is in the best interest of the United States, and to the maximum extent practicable, barter or exchange agricultural commodities owned by the Commodity Credit Corporation.

That has not been changed at all.

As I understand this amendment, notwithstanding the fact that we have that law, and not withstanding the fact that the Secretary of Agriculture can take this action in the event we need it, this amendment would force the President of the United States, before any agreement was entered into, to make the determination as to whether or not the recipient country has any strategic materials to barter with. It would simply delay matters and, in my opinion, would make it almost impossible at times for contracts to be entered into.

This amendment would put undue emphasis on barter transactions. As the Senate knows, we now have on hand over $10 billion of strategic material, much of which was acquired through bartering.

The law already requires the Secretary, "whenever he determines that such action is in the best interests of the United States," to enter into barter contracts. That is about as strong language as appears reasonable, and if the Senator's amendment adds anything to the existing authority, its effect must be to require barter, even when the Secretary determines that such action is not in the best interest of the United States. In my opinion, if that were forced, we might have to bypass cash sales.

We would simply be selling our commodities for materials instead of dollars. The barter provision has been considered carefully and at great length in the past; and one of the most difficult problems we have encountered is that of not displacing dollar sales. We have provided specifically that the Secretary shall safeguard usual marketings of the United States and assure that barters will not replace cash sales for dollars. The Senator's amendment would require barters to be made without regard to this provision. He would not require what has been called additionality, that is, that the barters be in addition to, rather than in replacement of, what can be sold for dollars. After long experience with the barter program, Secretary Benson in a letter to me dated March 11, 1958, said:

In our judgment the elimination of the principle of additionality as a result of barter cannot be justified.

Through the years, barter contractors have sought stronger and stronger directives requiring the Secretary of Agriculture to barter, since it results in very lucrative business for the barter contractors. The agricultural commodities which the contractor receives in exchange for the materials have frequently, in the past, been disposed of in normal trade channels, so that it has been difficult to be sure that the barter has actually resulted in any increase in the disposition of surplus agricultural commodities. In 1958, an amendment was sought requiring the Secretary to barter up to $500 million worth of agricultural commodities per year. Like the pending amendment, it would have superseded any consideration by the Secretary as to whether or not the transaction would protect the funds and assets of Commodity Credit Corporation.

Secretary Benson objected very strongly to the amendment in 1958. I shall read what he had to say in regard to this amendment:

In spite of the zeal to substitute barter for normal exchange, the United States dollar can still be utilized to better advantage in world markets than our agricultural commodities. Then why do we have such strong pressures for a wide-open barter program? The fact is that a surplus situation exists in the world for many materials. The producers of those materials in the foreign countries and importers of those materials into this country want a price support and surplus removal program for those materials. We cannot solve the price support and surplus removal problems of our domestic agricultural economy by attempting to take on those same responsibilities for a much wider field of material production throughout the world * * *.

The proposed amendment prohibits the exercise of administrative judgment to an unprecedented extent. In our opinion it would, in retrospect, serve as a basis to discredit the Congress that enacted it and those who attempted to administer it.

Today when our stocks of agricultural commodities have been reduced to a low level, there is less justification for barter than there was in 1958 when we were attempting to dispose of surplus stocks in any feasible manner. The emphasis in the bill before us is to provide assistance to those countries that need it. The amendment of the Senator from Illinois would not contribute to that purpose, but would interfere with its being carried out.

At the present time barter is used principally to meet the needs of Government agencies overseas. In 1965 barter procurements for the Department of Defense were valued at $112.1 million. Among the various supplies and services procured for the Department of Defense overseas installations in Europe and Asia were stevedoring services, lumber and transportation, base maintenance services, lockers and PX supplies.

Procurement for AID in 1965 was valued at $51.8 million. That included cement, petroleum products, fertilizer, and sugar. Much of this material was delivered to Vietnam.

Barter procurements for Federal agencies to use overseas have contributed substantially to the improvement of U.S. balance-of-payments position by using agricultural exports for purchases which otherwise would have resulted in overseas expenditures of dollars.

As of May 31, 1966, stockpile inventories of strategic and critical materials total $11,499,442,430. That included a host of materials, most of which are in excess of our needs. Increasing barter for strategic and critical materials will add nothing to our balance of payments, but, as a matter of fact, may well interfere with our normal cash sales for dollars.

I ask the Senate to reject the amendment.

Mr. DIRKSEN. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. DIRKSEN. Mr. President, I am afraid that my distinguished friend from Louisiana [Mr. ELLENDER] somewhat misses the point. Now, if there is any virtue or validity in the contention that this is slightly involved, the only answer is that it could easily be modified in conference to make it a little more direct.

But the essential thing is that there be a priority, wherever we can barter for critical and strategic materials, and the President can make a finding whether a country does or does not have available such materials.

The other point is that no agreement for the sale of these commodities may be entered into under title I with any friendly country unless the President makes that determination. There is $2.5 billion involved here. Add that to $3.5 billion in foreign assistance, and the amount comes to $6 billion.

Do not think for 1 minute there will not be takers under title I if there are materials we can use. If there are resources, if there is something we can do to stimulate development of creating more resources in other countries, it should be done, and under this proposal that gets a priority, and it should have a priority.

I think that the amendment should be approved by the Senate.

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

Mr. DIRKSEN. I yield.

Mr. FULBRIGHT. Is the main difference between the amendment of the Senator and the existing law that instead of taking a local currency that is nonconvertible, the Senator would provide for getting some kind of tangible commodity?

Mr. DIRKSEN. It provides that no agreement for the sale of these commodities shall be entered into until the President makes a finding. It gives it a priority and that is what I intend: That it shall have a priority.

Mr. ELLENDER. What about cash sales? I would like to ask the Senator from Illinois about cash sales.

Mr. DIRKSEN. How many cash sales will there be? When all we get is 5 percent in dollars, it does not amount to a hoot.

Mr. ELLENDER. I wish to point out that this is the law and has been for quite some time.

SEC. 303. The Secretary shall, whenever he determines that such action is in the best interest of the United States, and to the maximum extent practicable, barter or exchange agricultural commodities owned by the Commodity Credit Corporation for (a) such strategic or other materials of which the United States does not domestically produce its requirements and which entail less risk of loss through deterioration or substantially less storage charges as the President may designate, or (b) materials, goods, or equipment required in connection with foreign economic and military aid and assistance programs, or (c) materials or equipment required in substantial quantities for offshore construction programs. He is hereby

directed to use every practicable means, in cooperation with other Government agencies, to arrange and make, through private channels, such barters or exchanges or to utilize the authority conferred on him by section 4(h) of the Commodity Credit Corporation Charter Act, as amended, to make such barters or exchanges.

We have been handling that for quite some time and we have accumulated—not altogether under this bill, but we have at hand now—over $10 billion in strategic materials. It would seem to me that there is enough authority in the law now, and the Secretary has the power to make that determination now, acting through the President.

Mr. DIRKSEN. There are two answers. First, we are shooting away like mad in Vietnam. How long, at the rate we are spending, is that pile going to last? Secondly, this requires that the President be given authority.

I do not need the advice of Orville Freeman. I do not give him a chance to qualify and let him determine if it is in the national interest. I would like to see this priority on a mandatory basis, anchored in the law. That is where it belongs.

Mr. AIKEN. Mr. President, I am not as certain as the minority leader that this amendment would be modified in conference, to begin with, because we have had experience in that field.

I think that barter is a good idea if it can be controlled. But we found from experience a few years ago that it is very difficult to control.

We found that instead of strengthening the price of our commodities abroad that those who undertook barter deals would go to other countries and offer our commodities at reduced prices. In one instance I know of one offer that was made for 10 percent less than the regular exporting trade was getting for the same commodity.

The traders are smart. In some ways they know what is going on in the foreign countries a lot better than does the State Department. In fact, I think that is where the State Department gets much of its information.

We found they could sell to one country on a barter deal and get materials in exchange. The materials which they sold could be delivered to a third country, and the commodities which were furnished by this country would be paid for by certain commodities from still another country.

In fact, it was so very difficult to control this practice that Secretary Benson found he had to put a stop to most of it. Except in unusual instances the barterers could cut the ground out from under our regular exporters. They then would have the advantage of bringing the materials, usually minerals which they took in exchange for our commodities, into this country duty free, which enabled them to undersell the people who were legitimately in the same line of business here.

If we could swap some tobacco for copper from another country, that would be a pretty good deal. However, I recall the difficulty in controlling the situation which was experienced during the years it was practiced to a considerable degree. I would not want the pending amendment to be approved expecting the House to reject it, because I doubt that that would be the case. I would also want to have the Department of Agriculture before the committee, and I would want other interested parties to have an opportunity to come before the committee, to find out whether it was a good thing to have the barter authority strictly circumscribed by law, because I know from past history how difficult it would be for the Department of Agriculture to keep it within reasonable bounds. Then we would want to find out just exactly how this amendment would change the present situation. Thus, I think we should have a hearing on it before adopting it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois.

On this question the yeas and nays have been ordered; the clerk will call the roll.

The legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from Tennessee [Mr. BASS], the Senator from Idaho [Mr. CHURCH], the Senator from Arizonia [Mr. HAYDEN], the Senator from Hawaii [Mr. INOUYE], the Senator from Ohio [Mr. LAUSCHE], the Senator from Montana [Mr. METCALF], the Senator from South Carolina [Mr. RUSSELL], and the Senator from Virginia [Mr. ROBERTSON] are absent on official business.

I also announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Illinois [Mr. DOUGLAS], the Senator from Tennessee [Mr. GORE], the Senator from New Hampshire [Mr. MCINTYRE], and the Senator from Maine [Mr. MUSKIE] are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. BARTLETT] would vote "nay."

Mr. KUCHEL. I announce that the Senator from Utah [Mr. BENNETT] and the Senator from California [Mr. MURPHY] are absent because of illness.

The Senator from New Jersey [Mr. CASE] is absent on official business.

The Senator from Delaware [Mr. BOGGS], the Senator from Hawaii [Mr. FONG], the Senator from Idaho [Mr. JORDAN], the Senator from Kansas [Mr. PEARSON], the Senator from Pennsylvania [Mr. SCOTT], the Senator from Wyoming [Mr. SIMPSON], and the Senator from Texas [Mr. TOWER] are necessarily absent.

The Senator from Kansas [Mr. CARLSON], the Senator from Nebraska [Mr. CURTIS], and the Senator from Delaware [Mr. WILLIAMS] are detained on official business.

If present and voting, the Senator from Utah [Mr. BENNETT], the Senator from Kansas [Mr. CARLSON], the Senator from Hawaii [Mr. FONG], the Senator from Idaho [Mr. JORDAN], the Senator from California [Mr. MURPHY], and the Senator from Wyoming [Mr. SIMPSON] would each vote "yea."

On this vote, the Senator from Nebraska [Mr. CURTIS] is paired with the Senator from Delaware [Mr. BOGGS]. If present and voting, the Senator from Nebraska would vote "yea," and the Senator from Delaware would vote "nay."

On this vote, the Senator from Texas [Mr. TOWER] is paired with the Senator from Pennsylvania [Mr. SCOTT]. If present and voting, the Senator from Texas would vote "yea," and the Senator from Pennsylvania would vote "nay."

The result was announced—yeas 19, nays 55, as follows:

[No. 238 Leg.]

YEAS—19

Bayh	Hickenlooper	Russell, Ga.
Cotton	Hruska	Smathers
Dirksen	Kuchel	Smith
Dodd	Mansfield	Thurmond
Fulbright	McClellan	Young, N. Dak.
Gruening	Morse	
Hartke	Mundt	

NAYS—55

Aiken	Hill	Nelson
Allott	Holland	Neuberger
Anderson	Jackson	Pastore
Bible	Javits	Pell
Brewster	Jordan, N.C.	Prouty
Burdick	Kennedy, Mass.	Proxmire
Byrd, Va.	Kennedy, N.Y.	Randolph
Byrd, W. Va.	Long, Mo.	Ribicoff
Cannon	Long, La.	Saltonstall
Clark	Magnuson	Sparkman
Cooper	McCarthy	Stennis
Dominick	McGee	Symington
Eastland	McGovern	Talmadge
Ellender	Miller	Tydings
Ervin	Mondale	Williams, N.J.
Fannin	Monroney	Yarborough
Griffin	Montoya	Young, Ohio
Harris	Morton	
Hart	Moss	

NOT VOTING—26

Bartlett	Fong	Muskie
Bass	Gore	Pearson
Bennett	Hayden	Robertson
Boggs	Inouye	Russell, S.C.
Carlson	Jordan, Idaho	Scott
Case	Lausche	Simpson
Church	McIntyre	Tower
Curtis	Metcalf	Williams, Del.
Douglas	Murphy	

So Mr. DIRKSEN's amendment was rejected.

Mr. ELLENDER. Mr. President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, if I may have the attention of the Senate, I ask unanimous consent that there be a limitation of debate of 40 minutes on all remaining amendments, 20 minutes to be allocated to the originator of the amendment and 20 minutes to the manager of the bill, with 1 hour allowed on the bill, with the usual procedure.

The PRESIDING OFFICER. Is there objection? Hearing none, the unanimous-consent agreement is entered.

The agreement, as reduced to writing, is as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That during the further consideration of the bill (H.R. 14929) an act to promote international trade in agricultural commodities, to combat hunger and malnutrition, to further economic development, and for other purposes, debate on any amendment, motion, or appeal, except a motion to lay on the table, shall be limited to 40 minutes, to be equally divided and controlled by the mover of any such amendment or motion and the Senator from Louisiana [Mr. ELLENDER]: *Provided*, That in the event he is in favor of any such amendment or motion, the time in opposition

thereto shall be controlled by the minority leader or some Senator designated by him: *Provided further*, That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of the final passage of the said bill debate shall be limited to 1 hour, to be equally divided and controlled, respectively, by the majority and minority leaders: *Provided*, That the said leaders, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion, or appeal.

The PRESIDING OFFICER. The committee amendment is open to amendment.

Mr. DIRKSEN. Mr. President, I submit an amendment.

The PRESIDING OFFICER. The amendment offered by the Senator from Illinois will be stated.

The legislative clerk read the amendment, as follows:

On page 45, line 6, insert after "SEC. 105." the following: "(a)".

And, on page 45, between lines 16 and 17 insert the following:

"(b) In addition to any other terms and conditions which may be applicable with respect to any loan or sale made from funds made available under authority of this Act, each such loan shall include a provision or provisions whereby the recipient of such loan or sale shall (1) express the par value of its currency in terms of the United States dollar at a rate of exchange between those currencies which the Secretary of the Treasury finds to be reasonable and (2) agree to maintain, notwithstanding any changes in the foreign exchange value of its currency, such initial par value of its currency for purposes of all computations relating to those currencies in connection with such loan. No provision of the terms of any loan hereafter made from funds made available under authority of this Act, which requires the maintenance of the value of the currency of the recipient of such loan in relation to the United States dollar during the period such loan is outstanding, may hereafter be altered."

The PRESIDING OFFICER. How much time does the Senator yield himself?

Mr. DIRKSEN. I shall take only 2 or 3 minutes.

This is the so-called maintenance of value amendment. I offered it to the Foreign Assistance Act. It was accepted. Now, I rely upon the executive vice president of the Manhattan Bank of New York as authority for the statement I make. The Presiding Officer [Mr. HARTKE] will remember, as a member of the Finance Committee, that we had him testify on foreign investments. Here is what he said:

Mr. BARTH. For instance, I do not understand why any American—I am speaking about private people going to places like India or Pakistan or wherever we have counterpart funds—why they should be allowed to spend any dollars. He should buy the counterpart funds from somebody here before he goes, and spend them freely, and leave the dollars here in the United States.

The CHAIRMAN. Then that being the case, I take it, they would have that available to them to spend in the United States, to buy American products with.

Mr. BARTH. No. Their counterpart funds, Mr. Chairman, belong to you, the Government of the United States, and the dollars that the American tourist would spend abroad will be paid to the Government of the United States.

Now, listen to this:

For instance, you have—

Meaning the United States—

For instance, you have $1.5 billion worth of rupees. Came the devaluation and you lost $400 million.

When India devalued some weeks ago, it devalued 36.5 percent. As a result, we lost $400 million.

In the contracts under the Foreign Assistance Act, for a long time it was a consistent practice to put in the maintenance of value clause. Then in slipshod fashion, sometimes it was included and sometimes it was not. There is no provision for maintenance of value in loans or sales involved in the food-for-peace program, and that is all this amendment will do.

If we expect to protect the Treasury of the United States and the taxpayers of the country, then I think it is high time we see that there is inserted in every contract that is made a provision like this, so we are not on the short end of the stick when they devalue their currency and leave us in the lurch that we have seen happen.

Mr. SALTONSTALL. Will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. SALTONSTALL. This refers to counterpart funds, does it not?

Mr. DIRKSEN. Yes.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DIRKSEN. I yield myself 3 additional minutes.

Mr. ELLENDER. Mr. President, the committee has considered language along the line suggested by the distinguished Senator from Illinois. The only difference between what is in the bill and the amendment is that we provide for a transition period of 5 years. As I understand, the Senator's amendment will make it effective immediately.

Mr. DIRKSEN. Indeed so. Why should we wait?

Mr. ELLENDER. Mr. President, I have no objection to taking the amendment to conference.

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

Mr. DIRKSEN. I yield.

Mr. SYMINGTON. As I understand the amendment of the distinguished minority leader, it says that if we make loans, and if there is a change in the currency of the country in question, which, in effect, and as has happened so often, makes these loans, become gifts, the value of the loans must be maintained.

Mr. DIRKSEN. More than that, the currency has to be expressed in terms of dollars.

Mr. SYMINGTON. I understand, and support the amendment of the distinguished minority leader. It is protection to the American taxpayer.

Mr. President, I was glad to hear the chairman of the Committee on Agriculture and Forestry say he had no objection to it. As mentioned, I think it is a good amendment, in the interest of the taxpayer.

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

Mr. DIRKSEN. I yield.

Mr. MILLER. I understand that the Senator's amendment would also cover this case: That where we would make a sale for a soft currency of the recipient country, let us say, for $1 million, the credit for the $1 million would be set up, perhaps not to be repaid for some years, and that if in the meantime the currency of that country was devalued, when they did get around to pay for the sale, it would be in full, fair dollar value as of the time the sale itself was made. Does the Senator's amendment cover that situation?

Mr. DIRKSEN. Exactly so. It gives the Secretary of the Treasury a chance to establish a reasonable value for that currency; but once that is done, it must be maintained. So if they devalue at some subsequent time, that will not bother any contract or sale that they have with us, because we will have it expressed in terms that we understand.

Mr. MILLER. So the Senator's amendment covers not only a loan, but a long-term sale?

Mr. DIRKSEN. Yes. I included the word "sale."

Mr. MILLER. I thank the Senator.

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

Mr. DIRKSEN. I yield.

Mr. ALLOTT. Mr. President, the Senator from Iowa spoke of the devaluation of currency. Of course, we are all concerned about the maintenance of values in such case. But as I understand the minority leader's amendment—and I wish to be sure that this is true—it would cover not only situations where currencies have been devalued, but also where they have been depreciated, or do depreciate, as they have done so violently in some of our Latin American countries, for example.

Mr. DIRKSEN. I think so. I think when you give the Secretary of the Treasury authority to establish a reasonable value in any case, you cover a situation of that kind.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DIRKSEN. I yield myself 2 additional minutes.

Mr. ALLOTT. I wanted to be sure that that understanding was correct, because so many of the nations with which we have been dealing have as little restraint, unfortunately, as this country has shown in the last few years, all to our present sorrow. I wished to be sure that in the maintenance of values, in expressing these things, not only would voluntary devaluation by a country be covered, but also any depreciation of the currency which resulted from any other cause whatever, so that, in the end, no matter what the value of the soft currency at the end of 5 years, 10 years, or up to 20, as provided in the bill, we would get x dollars back, spelled out in terms of the then value of the soft currency, wherever and at whatever time the sale was consummated.

Mr. DIRKSEN. I think the language which reads "agree to maintain, notwithstanding any changes in the foreign exchange value" is in accord with the Senator's understanding.

Mr. ALLOTT. I thank the Senator.

Mr. DIRKSEN. I wish to compliment the distinguished chairman of the committee for putting a provision in the bill with respect to the sale of foreign currencies to those who travel abroad, at least up to 25 percent, as I recall it.

Mr. ELLENDER. Yes. My good friend, the Senator from Georgia, introduced that amendment in the committee.

Another thing that we put in the bill which would protect us is the realistic exchange rate. For instance, we found out that the official exchange rate in Poland was 24 zlotys to the dollar, but you could go out, in Poland, and get 55 for a dollar. So we provided that the wheat or any commodity sold will be sold on the basis of 55 zlotys to the dollar, rather than the 24 at which we sold it previously.

Mr. DIRKSEN. It has always seemed incredible to me—and I have discussed the matter with the Secretary of the Treasury on a number of occasions—that, since we have a Treasury full of foreign currencies, we do not compel our tourists to buy their currencies here and leave their dollars here.

But the answer was a very simple one, that those countries, notwithstanding our sympathy, our charity, and how good we have been to them, refused to accept their own currencies that we had obtained from them on a different deal.

That is an amazing situation, and I am glad that provision was put in this bill.

Mr. ELLENDER. It is possible that one of the virtues of the Senator's amendment is that it will lead to more cash sales, which will not make any of us unhappy.

Mr. President, I yield myself 20 seconds. I ask unanimous consent to have printed in the RECORD at this point a statement entitled "Maintenance of Value Under Public Law 480, Title I, Sales and Loan Agreements."

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

MAINTENANCE OF VALUE UNDER PUBLIC LAW 480, TITLE I, SALES AND LOAN AGREEMENTS

During the first period of PL 480 operations, up until July 1955, the policy of denominating local currency proceeds in dollars and depositing them in a special dollar denominated account was followed. The policy was changed at that time in order to facilitate conclusion of sales agreements by relieving the purchasing government of the obligation to maintain constant value of the sales proceeds.

Maintenance-of-value requirements were maintained on loans of U.S.-owned local currencies until April 14, 1959. The reasons for discontinuing the maintenance-of-value requirement on loans of local currencies are set forth below.

The maintenance-of-value provision has in many cases caused considerable difficulty in negotiating loan agreements under PL 480. Foreign governments are understandably reluctant to conclude loan agreements requiring maintenance of value on local currency loans from the United States when they have an alternative choice of borrowing from their own banking system without the maintenance-of-value requirement and of allowing equivalent amounts of PL 480 funds to remain idle.

It is now the policy of the United States to require that substantial agreement be reached on the terms of PL 480 loan agreements at the same time as PL 480 sales agreements are concluded. This practice is desirable as a general rule. However, if we insist upon the inclusion of maintenance of value, as well as upon a simultaneous understanding on the loan and sales agreements, we may expect that negotiating difficulties will increase, will slow down the PL 480 program, and may reduce its overall magnitude.

The benefits to the United States originally anticipated from the maintenance-of-value clause are largely illusory. The clause has meaning, of course, only for currencies which have been overvalued and for which devaluation has occurred or is in prospect. In such cases, however, the United States is often favorable to devaluation and would not want the maintenance-of-value clause to stand as an obstacle to sound currency reform. Also, we may expect that if there has been a devaluation, the country concerned will press vigorously for renegotiation to eliminate the effect of the maintenance-of-value clause. Consequently, the clause is a potential source of trouble in our relations with other friendly governments.

Mr. ELLENDER. Mr. President, I yield to the Senator from South Dakota.

Mr. McGOVERN. Mr. President, I can appreciate the position of the Senator from Louisiana, the chairman of our committee, in taking this proposed amendment to conference, because it is too complicated a matter to deal with here on the floor of the Senate.

I think it is fraught with all kinds of administrative difficulties. I think it will defeat some of the purposes of the bill. I will not oppose it here today, because I am confident that if the conferees will look at the matter very carefully, they will eliminate this provision from the bill.

We have a provision in the legislation now to do everything we can within reason to move these underdeveloped countries to the point where they can pay for their food in cash within 5 years' time. The amendment proposed here will simply delay that process. I hope that if the Senator's amendment does go to conference, our conferees will take a very careful and critical look at it.

Mr. DIRKSEN. Mr. President, I yield myself 1 minute.

If that is to be the case, if this amendment is to be accepted and then the conferees are going to take a dim view of it, we had just as well have a rollcall right now, and I ask for the yeas and nays.

Surely my friend from South Dakota does not stand up in the Senate and say that the conferees ought to ignore the will of the Senate.

Mr. McGOVERN. I am just expressing my own personal view.

Mr. DIRKSEN. That is what the Senator is saying.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. DIRKSEN. Mr. President, I yield back the remainder of my time.

Mr. ELLENDER. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Illinois. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from Idaho [Mr. CHURCH], the Senator from Oklahoma [Mr. HARRIS], the Senator from Arizona [Mr. HAYDEN], the Senator from Hawaii [Mr. INOUYE], the Senator from Ohio [Mr. LAUSCHE], the Senator from Montana [Mr. METCALF], the Senator from South Carolina [Mr. RUSSELL], the Senator from Florida [Mr. SMATHERS], the Senator from Alaska [Mr. GRUENING], and the Senator from Tennessee [Mr. BASS] are absent on official business.

I further announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Illinois [Mr. DOUGLAS], the Senator from Tennessee [Mr. GORE], the Senator from New Hampshire [Mr. MCINTYRE], and the Senator from Maine [Mr. MUSKIE] are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. BARTLETT] would vote "aye."

Mr. KUCHEL. I announce that the Senator from Utah [Mr. BENNETT] and the Senator from California [Mr. MURPHY] are absent because of illness.

The Senator from New Jersey [Mr. CASE] is absent on official business.

The Senator from Delaware [Mr. BOGGS], the Senator from Hawaii [Mr. FONG], the Senator from Idaho [Mr. JORDAN], the Senator from Kansas [Mr. PEARSON], the Senator from Pennsylvania [Mr. SCOTT], the Senator from Wyoming [Mr. SIMPSON], and the Senator from Texas [Mr. TOWER] are necessarily absent.

The Senator from Kansas [Mr. CARLSON], the Senator from Colorado [Mr. DOMINICK], and the Senator from Delaware [Mr. WILLIAMS] are detained on official business.

If present and voting, the Senator from Utah [Mr. BENNETT], the Senator from Delaware [Mr. BOGGS], the Senator from Kansas [Mr. CARLSON], the Senator from New Jersey [Mr. CASE], the Senator from Colorado [Mr. DOMINICK], the Senator from Hawaii [Mr. FONG], the Senator from Idaho [Mr. JORDAN], the Senator from California [Mr. MURPHY], the Senator from Kansas [Mr. PEARSON], the Senator from Pennsylvania [Mr. SCOTT], the Senator from Wyoming [Mr. SIMPSON], and the Senator from Texas [Mr. TOWER] would each vote "yea."

The result was announced—yeas 53, nays 19, as follows:

[No. 239 Leg.]

YEAS—53

Allott	Ellender	Long, La.
Anderson	Ervin	Magnuson
Bayh	Fannin	McClellan
Bible	Fulbright	Miller
Brewster	Griffin	Monroney
Byrd, Va.	Hartke	Montoya
Byrd, W. Va.	Hickenlooper	Morse
Cannon	Hill	Morton
Cooper	Holland	Moss
Cotton	Hruska	Mundt
Curtis	Jackson	Neuberger
Dirksen	Jordan, N.C.	Pastore
Dodd	Kuchel	Prouty
Eastland	Long, Mo.	Randolph

Robertson	Sparkman	Thurmond
Russell, Ga.	Stennis	Tydings
Saltonstall	Symington	Young, N. Dak.
Smith	Talmadge	

NAYS—19

Aiken	Mansfield	Proxmire
Burdick	McCarthy	Ribicoff
Clark	McGee	Williams, N.J.
Hart	McGovern	Yarborough
Javits	Mondale	Young, Ohio
Kennedy, Mass.	Nelson	
Kennedy, N.Y.	Pell	

NOT VOTING—28

Bartlett	Gore	Muskie
Bass	Gruening	Pearson
Bennett	Harris	Russell, S.C.
Boggs	Hayden	Scott
Carlson	Inouye	Simpson
Case	Jordan, Idaho	Smathers
Church	Lausche	Tower
Dominick	McIntyre	Williams, Del.
Douglas	Metcalf	
Fong	Murphy	

So Mr. DIRKSEN's amendment was agreed to.

Mr. DIRKSEN. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

The Senator from Arkansas is recognized.

Mr. FULBRIGHT. Mr. President, I call up my amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 50, line 2, strike out $1.9 billion and insert in lieu thereof $1 billion.

Mr. FULBRIGHT. Mr. President, I yield myself 5 minutes. I shall not take very long on this amendment.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 5 minutes.

Mr. FULBRIGHT. Mr. President, in the course of the debate yesterday the chairman of the Committee on Agriculture and Forestry, the distinguished senior Senator from Louisiana [Mr. ELLENDER], stated that in his personal opinion $1 billion would be adequate authorization for the pending bill.

There is a carryover of $1.7 billion, making a total of $2.7 billion, which is not quite as much as we are authorizing in the regular aid bill, which is about $3.5 billion. I think $2.7 billion is adequate.

The following statement is found on page 21127 of the RECORD for yesterday, August 29, 1966:

My second amendment is to cut the authorization back to $1 billion instead of $1.9 billion. Earlier in colloquy I understood the chairman of the Committee on Agriculture to say that $1 billion would be adequate.

Mr. ELLENDER. That was my personal opinion.

Of course, it is my opinion, too. I think that in giving away agricultural commodities, $2.7 billion should be enough for 1 year. There is only $3.5 billion for industrial equipment, military equipment, and all other types of commodities which we are either giving or selling under the other aid bill.

That is about all to be said. I believe $1 billion is adequate for this authorization.

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

Mr. FULBRIGHT. I yield for 1 minute.

LEGISLATIVE PROGRAM

Mr. DIRKSEN. Mr. President, I should like to ask the distinguished majority leader, while Members are on the floor, what the schedule is for the balance of the day and for tomorrow.

Mr. MANSFIELD. Mr. President, in response to the question raised by the distinguished minority leader, it is intended to take up, after the disposition of the pending bill, not the Oregon Dunes bill, which will be taken up after we return, following Labor Day some time, but Calendar No. 1443, H.R. 9424, an act to provide for the conservation, protection, and propagation of native species of fish and wildlife, and so forth; Calendar No. 1498, H.R. 9918, and Calendar No. 1499, S. 1713, both District of Columbia bills; and other measures which will have been reported by committees today.

Mr. President, I ask unanimous consent that when the Senate completes its business tonight—we evidently cannot finish the bill tonight, but we will have two or three more votes—it stands in recess until 11 o'clock tomorrow morning, at which time we will go immediately on the bill, on allocated time, after the morning prayer.

Mr. DIRKSEN. Mr. President, one or two other questions.

Is the majority leader anticipating a rollcall tonight?

Mr. MANSFIELD. Yes, a couple more, and there will be rollcalls tomorrow morning, also.

Mr. DIRKSEN. Can the majority leader inform the Senate what is anticipated for Thursday?

The PRESIDING OFFICER (Mr. HARTKE in the chair). Is there objection to the unanimous-consent request?

The Chair hears none, and the unanimous-consent request is agreed to.

Mr. MANSFIELD. The distinguished minority leader and I have discussed this matter, and it is anticipated that there will be legislation Thursday, but that the Senate will be able to quit work Thursday afternoon some time, so to speak, hold a pro forma meeting on Friday, and then come back on the following Tuesday.

FOOD FOR PEACE ACT OF 1966

The Senate resumed the consideration of the bill (H.R. 14929) to promote international trade in agricultural commodities, to combat hunger and malnutrition, to further economic development, and for other purposes.

Mr. FULBRIGHT. Mr. President, I do not think there is much more to be said about this amendment. It is purely one's judgment as to the extent of our commitments, how much of this food and fiber we wish to grow for the purpose of giving it to foreign countries.

We already have made clear in the debate that we are not dealing with surpluses. The only commodities in this category, in surplus, are cotton and tobacco. According to the latest reports, the surplus in cotton will be radically reduced this year, according to the estimates of the Department of Agriculture. But in the major items that are involved in this bill—wheat and rice and perhaps maize, corn—the food grains, it is a question of how much one wishes to subsidize the farmers to raise them, because there is no surplus now. As a matter of fact, the carryover is approximately what is considered a minimum for our own purposes.

This is a very simple judgment that the Senate has to make, namely as to whether or not we should engage and embark upon a very large program to increase production for the purpose of giving it to foreign countries. I do not know of much more to be said about it. I am ready to vote.

Mr. ELLENDER. Mr. President, I rise in opposition to this amendment.

I do not know whether my friend, the Senator from Arkansas, is aware of this, but under the bill presented to the Senate, we have combined titles I and IV of existing law. Under the present law, the limitation is $2.5 billion under title I, and there is no limitation whatever under title IV—that is, for dollar credit sales.

So it seems to me that the amount authorized in the present bill should be adopted, as that will cover not only title I, sales for soft currencies, but also title IV, credit sales for dollars.

Mr. President, as we all know, in anticipation of a continuation of this program, the President authorized an additional amount of wheat as well as rice to be produced. We do not know what that production will be, but it is my belief that the amount that the committee reported, $1.9 billion, should be the figure agreed upon in order to take care of the additional production anticipated.

I did say yesterday to my good friend, the Senator from Arkansas, that if left entirely to me, it may be that $1 to $1.5 billion would be sufficient. I did say that. Of course, the Senator knows that I have been against foreign aid for quite some time, and I had that in mind when I made the answer to him yesterday.

We must not forget that we have a huge surplus of cotton on hand. Last August, the cotton on hand was 16.5 million bales, and that is far in excess of any amount we have ever had. I would certainly desire to have sufficient funds at hand, to dispose of some of that cotton, if possible. If we curtail the authorization too much, the chances are that we will not have enough authorization to dispose of many of the commodities that we have in surplus now or which is being produced.

Mr. SYMINGTON. Mr. President, may I ask the able Senator from Louisiana a question:

Last year, under Public Law 480, we disposed of $926 million, nearly a billion

dollars, of wheat. On the other hand, and despite the fact it is now the largest surplus, only $69 million worth of cotton was disposed of under this law.

Fiber is needed along with food in many of these countries. In fact, we often give them food which they utilize to raise more cotton. Am I to understand from the Senator from Louisiana, chairman of the Senate Committee on Agriculture and Forestry, that if we vote for this higher figure which he recommends, he believes this will take considerable cotton out of surplus?

Mr. ELLENDER. It would move more.

The Senator stated a moment ago that we have a carryover from previous years of $1.7 billion. That, of course, would be applied not only to next year, but also the year after.

If the bill is limited to $1 billion, it will mean that over the 2-year period, only $3,700 million will be available under title I, which, as I said, includes not only sales for local currencies but also cash sales, and in my opinion that will not be sufficient.

Mr. SYMINGTON. It is my understanding that last year agricultural exports from the United States reached an alltime high of $6,700 million—for the fiscal year 1965–66—an increase of some $600 million. The wheat farmers have had their problem taken care of from the standpoint of surplus. Of course, that is satisfactory to me.

On the other hand, only about 7 percent of the amount of wheat disposed of under Public Law 480 was disposed of in cotton.

I want to be confident in my mind that the chairman believes if we maintain the figure he now seeks in the bill, considerably more cotton will be sold. If not, I shall vote for this amendment.

Mr. ELLENDER. I cannot give my friend, the Senator from Missouri [Mr. SYMINGTON] the assurance that we can force our friends to buy cotton when they need wheat. The chances are that with the great surplus of cotton that we have on hand, if there should develop a demand for it, we could sell some of it for local currencies and some on credit for dollars. We would certainly dislike not having a sufficient amount of authorization to cover any demands that may be made.

Mr. SYMINGTON. I thank the able Senator.

Mr. ELLENDER. It is my belief that since the committee saw fit to combine titles I and IV—which includes, as I said, credit sales for dollars and local currencies—that we are actually reducing the authorization. Under the law as it now stands, under title IV there is no limitation of the amount of commodities we can sell for dollars or credit. It is my belief that, since we combined both titles, and make it less than the House committee recommended it may be a little dangerous to reduce the authorization still further.

Mr. FULBRIGHT. Will the Senator yield?

Mr. ELLENDER. I yield.

Mr. FULBRIGHT. To clarify the record, the $93 million the Senator mentioned is not for 1 year. That is 1961–65, which shows how little the sales have been for cotton.

Cotton is in excess supply not only in this country, but in other countries. If it were to be given away, you would still have more. I suppose you could give it away, and they could sell it on the market, but not under an orderly disposition.

I do not see how the disposition of $2.7 billion is going to prejudice the sale of cotton, for there has been so little cotton handled in this program. It is nearly all rice, wheat, and food materials.

Mr. ELLENDER. I understand. We cannot force people to take cotton.

Mr. FULBRIGHT. Of course not.

Mr. ELLENDER. I would hate to see us have an opportunity to dispose of cotton on a dollar credit sales basis and not have the authorization to do so.

Mr. FULBRIGHT. I would, too.

This morning I received a call from a very good friend of mine in the agricultural life in Arkansas, who obviously had been inspired by the Department of Agriculture on this subject. He was upset about what my opposition to the bill would do. It is very far-fetched to think that under an authorization of $2.7 billion, that in some mysterious way it would prejudice cotton. I would not, of course, be lending my influence to any program or motion that would prejudice cotton. Under the experience we have had under this bill, we know that the demand is for wheat in short supply and not long supply.

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

Mr. ELLENDER. I yield.

Mr. HOLLAND. Is it not true that this amount which is sought to be changed would also change the American portion of the ocean freight bill?

Mr. ELLENDER. The Senator is correct.

Mr. HOLLAND. And that amounts to more than half of the freight bill for freight carried in American transportation.

Mr. ELLENDER. As I pointed out yesterday, the ocean transportation has cost the American taxpayer $337 million, and that consists of quite a lot of the amount we are now authorizing.

Mr. MORTON and Mr. McGOVERN addressed the Chair.

Mr. ELLENDER. Mr. President, I yield to the Senator from Kentucky [Mr. MORTON].

Mr. MORTON. Mr. President, is not the pipeline important? We talk about $1.7 billion in carryover and now the amendment attempts to reduce $1.9 billion to $1 billion. Is not the pipeline an important factor regardless of whether there is involved cotton, feed grain, or rice?

Mr. ELLENDER. Under the law we carry over the amount of previous authorization.

Mr. MORTON. Yes.

Mr. ELLENDER. And it does not cover the actual contract; but the amount that has not been contracted for over past authorizations amounting to $1.7 billion. That will be carried over and added to the $1.9 billion that is provided for each year, in each of the 2 years 1967 and 1968.

Mr. MORTON. But do we not have the same basic so-called pipeline problem in this program that we have in hard programs?

Mr. ELLENDER. The Senator is correct.

Mr. MORTON. Is that not one reason why we should sustain the committee?

Mr. ELLENDER. I believe so. Here is another matter which I failed to mention.

The President has authorized an additional 30 percent in wheat acreage, and last year 10 percent in rice. The corn crop is working pretty good. It is my belief that we should have at least a sufficient authorization under the bill to take care of any situation that we may have—an excess in wheat or corn or any commodity that—by trying to sell abroad.

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

Mr. ELLENDER. I yield.

Mr. SYMINGTON. I think the distinguished Senator from Arkansas [Mr. FULBRIGHT] and I were talking about two different figures. The Senator from Arkansas was talking about cotton over a period of years. I was talking about the fiscal year 1965–66.

Mr. President, I ask unanimous consent to have printed in the RECORD a short table of Public Law 480 shipments for 1965–66, preliminary, wheat and flour in one category, feed grains in another, and cotton in a third.

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

Public Law 480 shipments for 1965–66 (preliminary)

	Total exports	Public Law 480	Public Law 480 as percent of total
Wheat and flour:			
Amount	859,700,000 bushels	569,500,000 bushels	66 percent.
Dollar value	$1,403,000,000	$926,000,000 (estimate)	
Feed grains:			
Amount	25,400,000 metric tons	2,400,000 metric tons	9 percent.
Dollar value	$1,351,000,000	$122,000,000 (estimate)	
Cotton:			
Amount	3,000,000 bales	5,000,000 bales	17 percent.
Dollar value	$386,000,000	$69,600,000	

Mr. ELLENDER. I am sure that this document will indicate much more wheat and edible commodities than cotton. There is no doubt we have been able in the past to sell much more food than fiber.

Mr. SYMINGTON. About 15 times more.

Mr. ELLENDER. The Senator is correct, because there was a demand for it and there seems to be less demand for cotton.

Mr. SYMINGTON. Now that we have passed this Dirksen amendment, and desire to make sound loans wherever possible does the able chairman believe there is a good chance at the figure of $1.9 billion to make some cash sales for these products on the basis of loans than are really loans.

Mr. ELLENDER. Yes. The same as we have now under title IV.

The record shows that under title IV we have sold almost $1 billion worth.

Mr. FULBRIGHT. Of what?

Mr. ELLENDER. Different commodities, on credit.

We do not want to curtail that. Under the law, as it now stands, we can sell all we desire for credit under title IV. It would certainly be a mistake to reduce it more than we recommended.

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

Mr. ELLENDER. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. MILLER. I would like to get these figures clearly in mind. The bill calls for $1.9 billion for comparison of title I and title IV, does it not?

Mr. ELLENDER. The Senator is correct.

Mr. MILLER. How much has the title totaled up to now, per year?

Mr. ELLENDER. Two and one-half billion dollars.

Mr. MILLER. Two and one-half billion dollars.

Mr. ELLENDER. That is for the past 5 or 6 years.

Mr. MILLER. Per year.

Mr. ELLENDER. Two and one-half billion dollars per year, yes.

Mr. MILLER. In addition, we have had how much per year under title IV, approximately?

Mr. ELLENDER. Open end?

Mr. MILLER. I mean, how much has it come out to?

Mr. ELLENDER. We have sold in the neighborhood of $1 billion.

Mr. MILLER. Last year?

Mr. ELLENDER. Under title IV? No; altogether. We do not have any figures available for last year, but all sales under title IV which were credits and based on 20 years have aggregated about $1 billion.

Mr. MILLER. What the Senator is saying is that even with the $1.9 billion submitted under title IV altogether, this is a substantial reduction under title I over the present year?

Mr. ELLENDER. The Senator is correct.

Mr. MILLER. I thank the Senator for his information.

Mr. McGOVERN. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield.

Mr. McGOVERN. Does the Senator think it is significant that the committee has already reduced the amount requested by the administration by $600 million, and that we have reduced the amount that was overwhelmingly approved in the House by $600 million?

Mr. ELLENDER. The Senator is correct.

Mr. McGOVERN. The committee considered the amount carefully and determined against any greater reduction.

Mr. ELLENDER. The House bill, of course, contains $2½ billion authorization under title I.

Mr. McGOVERN. If we are going to get additional production, we will have to get farmers back into production on idle acres. Will there not have to be some assurance that there will be a market for the products?

Mr. ELLENDER. The Senator is correct. That is why I think we should at least vote the amount the Senator has recommended.

Mr. McGOVERN. I think it is a meager figure.

Mr. HOLLAND. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield.

Mr. HOLLAND. All the time that we have been operating out of surplus and selling or giving, as the case may be, from our surplus and limited per year, it was $2½ billion, was it not?

Mr. ELLENDER. That is right.

Mr. HOLLAND. The President suggested $2½ billion for 1967 and the years following under the new arrangement; is that not correct?

Mr. ELLENDER. The Senator is correct.

Mr. HOLLAND. Now it is suggested that because we have to plant and produce rather than to send it out of surplus, we will put a limitation on of $1 billion to cover both commodities to be produced; is that not correct?

Mr. ELLENDER. One billion nine hundred million dollars.

Mr. HOLLAND. Not under this amendment.

Mr. ELLENDER. Oh, not under this amendment—excuse me—yes.

Mr. HOLLAND. Yes. It is suggested that we reduce this whole operation to $1 billion a year.

Mr. ELLENDER. Yes.

Mr. HOLLAND. It seems to me that certainly is a challenge to our good faith and humanitarian impulses over what we have done heretofore when we have been furnishing $2.5 billion per year out of surpluses.

Now it is proposed that since we have to produce—and the farmer wants to produce—we will reduce it to $1 billion a year. I do not think we should take that drastic action. I think it would leave open to question the motives of this country and make it subject to critical inspection and comment not only from other people but also from some of our own. Certainly, we have felt that we were doing an unselfish, humanitarian job; and here we are making a total contrast—if the amendment is adopted—over what we did when we had surpluses and what we propose to do when we have to go out and produce it.

I hope that the amendment will be defeated.

Mr. FULBRIGHT. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER (Mr. MORTON in the chair). The Senator from Arkansas is recognized for 1 minute.

Mr. FULBRIGHT. Mr. President, I only wish to say that I did not know the bill had been sold to the American people as a humanitarian gesture. I had thought it was more of a business-like nature than that. It never was described as humanitarian in the past.

I also want to refer to page 7 of the committee report which, if I read it correctly, states that the "credit utilized" under title IV of Public Law 480 since the beginning is $415,486,000, which is a long way from the $1 billion. There is an unutilized balance of outstanding commitments.

Mr. President, I am ready to vote and I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. FULBRIGHT. Mr. President, I yield back the remainder of my time.

Mr. ELLENDER. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Arkansas.

On this question, the yeas and nays have been ordered; and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from Idaho [Mr. CHURCH], the Senator from Arizona [Mr. HAYDEN], the Senator from Hawaii [Mr. INOUYE], the Senator from Ohio [Mr. LAUSCHE], the Senator from Montana [Mr. METCALF], the Senator from South Carolina [Mr. RUSSELL], the Senator from Alaska [GRUENING], the Senator from Florida [Mr. SMATHERS], and the Senator from Oklahoma [Mr. HARRIS] are absent on official business.

I further announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Illinois [Mr. DOUGLAS], the Senator from Tennessee [Mr. GORE], the Senator from New Hampshire [Mr. MCINTYRE], and the Senator from Maine [Mr. MUSKIE] are necessarily absent.

I further announce that, if present and voting, the Senator from Oklahoma [Mr. HARRIS], the Senator from Florida [Mr. SMATHERS], and the Senator from Alaska [Mr. BARTLETT] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Utah [Mr. BENNETT] and the Senator from California [Mr. MURPHY] are absent because of illness.

The Senator from New Jersey [Mr. CASE] is absent on official business.

The Senator from Delaware [Mr. BOGGS], the Senator from Hawaii [Mr. FONG], the Senator from Idaho [Mr. JORDAN], the Senator from Kansas [Mr. PEARSON], the Senator from Pennsylvania [Mr. SCOTT], the Senator from Wyoming [Mr. SIMPSON], and the Senator from Texas [Mr. TOWER] are necessarily absent.

The Senator from Kansas [Mr. CARLSON], the Senator from Colorado [Mr. DOMINICK], and the Senator from Delaware [Mr. WILLIAMS] are detained on official business.

If present and voting, the Senator from Kansas [Mr. CARLSON], the Senator

from New Jersey [Mr. CASE], the Senator from Colorado [Mr. DOMINICK], the Senator from Hawaii [Mr. FONG], the Senator from California [Mr. MURPHY], and the Senator from Pennsylvania [Mr. SCOTT] would each vote "nay."

On this vote, the Senator from Utah [Mr. BENNETT] is paired with the Senator from Idaho [Mr. JORDAN]. If present and voting, the Senator from Utah would vote "yea," and the Senator from Idaho would vote "nay."

On this vote, the Senator from Wyoming [Mr. SIMPSON] is paired with the Senator from Kansas [Mr. PEARSON]. If present and voting, the Senator from Wyoming would vote "yea" and the Senator from Kansas would vote "nay."

On this vote, the Senator from Texas [Mr. TOWER] is paired with the Senator from Delaware [Mr. BOGGS]. If present and voting, the Senator from Texas would vote "yea" and the Senator from Delaware would vote "nay."

The result was announced—yeas 12, nays 61, as follows:

[No. 240 Leg.]

YEAS—12

Bible	Fulbright	Morse
Byrd, Va.	Hartke	Russell, Ga.
Cotton	Hickenlooper	Saltonstall
Dirksen	McClellan	Young, Ohio

NAYS—61

Aiken	Hruska	Nelson
Allott	Jackson	Neuberger
Anderson	Javits	Pastore
Bass	Jordan, N.C.	Pell
Bayh	Kennedy, Mass.	Prouty
Brewster	Kennedy, N.Y.	Proxmire
Burdick	Kuchel	Randolph
Byrd, W. Va.	Long, Mo.	Ribicoff
Cannon	Long, La.	Robertson
Clark	Magnuson	Smith
Cooper	Mansfield	Sparkman
Curtis	McCarthy	Stennis
Dodd	McGee	Symington
Eastland	McGovern	Talmadge
Ellender	Miller	Thurmond
Ervin	Mondale	Tydings
Fannin	Monroney	Williams, N.J.
Griffin	Montoya	Yarborough
Hart	Morton	Young, N. Dak.
Hill	Moss	
Holland	Mundt	

NOT VOTING—27

Bartlett	Gore	Murphy
Bennett	Gruening	Muskie
Boggs	Harris	Pearson
Carlson	Hayden	Russell, S.C.
Case	Inouye	Scott
Church	Jordan, Idaho	Simpson
Dominick	Lausche	Smathers
Douglas	McIntyre	Tower
Fong	Metcalf	Williams, Del.

So Mr. FULBRIGHT's amendment was rejected.

Mr. ELLENDER. Mr. President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

Mr. MORSE. Mr. President, I send to the desk an amendment and ask that it be laid before the Senate and made the pending business. I have an understanding with the majority leader that it will be taken up for debate the first thing tomorrow.

I ask unanimous consent that this amendment be printed, so that it will be available to Senators tomorrow, together with three other amendments which I also send to the desk.

The PRESIDING OFFICER. Without objection, the amendments will be printed.

The amendment which is to be the pending business will be stated.

The legislative clerk read as follows:

AMENDMENT NO. 781

On page 57, line 20, immediately before "the Secretary of Agriculture" insert "the Secretary of State, the Secretary of the Treasury,".

On page 57, line 24, after "House Committee on Agriculture" insert "and the House Committee on Foreign Affairs".

On page 58, line 3, after "and Forestry" insert "and the Senate Committee on Foreign Relations."

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

Mr. MORSE. I yield to the majority leader.

ORDER FOR ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, instead of convening at 11 o'clock tomorrow, as previously agreed to, that the Senate adjourn until 10:30 tomorrow morning, that there be a period for the transaction of morning business until not later than 11 o'clock, and that at 11 o'clock the time limitation begin to run on the Morse amendment.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

DEATH OF PARLIAMENTARIAN EMERITUS CHARLES L. WATKINS

Mr. MORSE. Mr. President, I send to the desk, in behalf of the majority leader and the minority leader, with whom I am delighted to join, a resolution, and ask for its immediate consideration.

The PRESIDING OFFICER laid before the Senate a resolution (S. Res. 299) which was read, considered, and unanimously agreed to, as follows:

S. RES. 299

Resolved, That the Senate has heard with profound sorrow and regret of the death of Mr. Charles L. Watkins, late Parliamentarian Emeritus of the Senate.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn until 10:30 a.m. Wednesday next.

ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

The PRESIDING OFFICER. Pursuant to the second resolving clause of the resolution, and in accordance with the previous order, the Senate now stands adjourned until 10:30 a.m. tomorrow, Wednesday, August 31, 1966.

Thereupon (at 5 o'clock and 45 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, August 31, 1966, at 10:30 o'clock a.m.

NOMINATION

Executive nomination received by the Senate August 30, 1966:

DEPARTMENT OF DEFENSE

Russell D. O'Neal, of Michigan, to be an Assistant Secretary of the Army, vice Willis Moore Hawkins, Jr., resigned.

CONFIRMATION

Executive nomination confirmed by the Senate August 30, 1966:

DEPARTMENT OF JUSTICE

Constance Baker Motley, of New York to be U.S. district judge for the southern district of New York.

HOUSE OF REPRESENTATIVES

TUESDAY, AUGUST 30, 1966

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

There is one God and Father of all, who is above all and through all and in all.—Ephesians 4: 6.

Almighty God, our Heavenly Father, we pause in the midst of pressing duties and commanding needs to open our hearts in prayer unto Thee—who art the source of goodness and love and truth—that the light of Thy spirit may shine upon our pathway and illumine the way to righteousness, to justice, and to peace.

Keep our hearts clean, our spirits courageous, and our minds clear as we face the tasks of this day. Lead us and all men to that realm where good will shall reign and truth shall rule and freedom shall regulate the actions of men.

Before this altar of prayer we dedicate ourselves anew to Thee and we pledge our loyalty to our Nation and to the well-being of men everywhere: through Christ our Lord. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills and a joint resolution of the House of the following titles:

H.R. 9824. An act to amend the Life Insurance Act of the District of Columbia, approved June 19, 1934, as amended;

H.R. 13558. An act to provide for regulation of the professional practice of certified public accountants in the District of Columbia, including the examination, licensure, registration of certified public accountants, and for other purposes;

H.R. 13703. An act to make technical amendments to titles 19 and 20 of the District of Columbia Code;

H.R. 15858. An act to amend section 6 of the District of Columbia Redevelopment Act of 1945, to authorize early land acquisition for the purpose of acquiring a site for a replacement of Shaw Junior High School; and