James R. Sweeney
Merrill A. Sweitzer, Jr.
Carter P. Swenson
Leonard J. Szafranski, Jr.
James S. Tardy
Robert C. Tashjian
Charles H. Taylor, Jr.
Charles W. Taylor
George H. Taylor III
Madison L. Taylor
Ralph L. Taylor, Jr.
Richard B. Taylor
Bernard R. Terhorst
John J. Tharp
Robert L. Thien
Bernard H. Thomas
Arthur B. Thompson, Jr.
Daryl W. Thompson
Jack C. Thompson
Jerry R. Thompson
Milton S. Thompson
Wayne D. Thompson
Joseph C. Thorp
Robert B. Throm
William H. Tiernan
Russell B. Tiffany
William J. Tirschfield
John M. Tivnan
Theodore J. Toben, Jr.
Albert E. Toler
Frederic L. Tolleson
Robert W. Topping
Edward F. Townley, Jr.
David C. Townsend
James B. Townsend
Everett P. Trader, Jr.
Earl G. Trapp
Russell P. Treadwell
Jerome P. Trehy
Paul A. Tremblay
Charles S. Tubbs
G. B. Tucker
Everett L. Tunget
Terry Turner
James H. Tutterrow
John T. Tyler
Thomas H. Ullom
Richard H. Ulm
Alfred L. Vail
Harry C. Valentine, Jr.
Mario S. Valentini
Jan H. Van Gorder
George R. Van Horn
Neil R. Vanleeuwen
John Van Nortwick III
Fredric J. Vanous
Richard S. Varney
Vincent A. Vernay
Robert E. Vigal
John W. Viglione
Peter J. Vogel
John S. Vogt
Wilson A. Voigt
Hermann E. F. Von Carp, Jr.
William R. Von Harten
Norman H. Vreeland
Michael G. Wadsworth
Paul H. Wagener
Leonard C. Waibel
Haines D. Waite
Jack D. Waldo
Caleb N. Wall
Lorin C. Wallace, Jr.
Edward H. Walsh
Gerald E. Walsh
John F. Walsh
John V. Walsh
Robert L. Walsh
William H. Walters
Larry N. Ward
Harry R. Warfield
George F. Warren
William C. Warren, Jr.
Joel Washington
Mark H. Waterbury III
Kenneth D. Waters
David C. Watkins
Jac D. Watson
John L. Watson
John D. Way
Leland O. Waymire
Richard J. Webb
John F. Weeks
Frank V. Weller
Stuart L. Weinerth, Jr.
Charles "J" Weir
Harry E. Wells
George H. Welsh
Michael F. Welty
Charles M. Welzant
William J. Wescott
Paul B. Westmiller
Marvin A. Westphal
William M. Whaley
Eugene L. Wheeler
Thomas M. Wheeler
Vincent M. Whelan
Lawrence A. Whipple
Graig A. White
Francis V. White, Jr.
Kenneth H. White
Fred T. Whitman
Frank H. Whitton
Richard A. Widdows
William W. Widener
Rober "J" Wiedemann
Eric H. Wieler
Daniel E. Wight, Jr.
Raymond F. Wiley, Jr.
Larry R. Williams
William B. Williams
John C. Williamson
Wayne M. Wills
Donald D. Wilson
Dwayne E. T. Wilson
James C. Wilson
Jerry W. Wilson
Charles A. Wimmler
James M. Winberg
Robert J. Winglass
Walter M. Winoski
Robert J. Wolfenden
Billy D. Womack
Bruce P. Wood
Donald L. Wright
George P. Wuerch
Joseph B. Wuertz
John R. Wuthrich
Neil E. Wynant
Charles E. Yates
Merritt G. Yeager
Richard C. Yezzi
David L. Young
Martin V. Young, Jr.
Alvin M. Younger
Alfred Zeikus
Jack R. Zellich
Lewis J. Zilka
Vladimir H. Bacik
James W. Bridges
John M. Dye
Gary E. Elliott
Walter F. Flato
John P. Fox
Charles J. Good, Jr.
James E. Hayes
Joe P. Joiner
John H. Keegan
William G. Kilbreth
Clyde E. Lane
Thomas G. Leach
Bruce D. Luedke
Lawrence A. Marshall
Martin T. Nicander
Francis T. O'Connor
Arthur S. Piper
Bruce E. Townsend

HOUSE OF REPRESENTATIVES

MONDAY, SEPTEMBER 12, 1966

The House met at 12 o'clock noon, and was called to order by the Speaker pro tempore (Mr. BOGGS).

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

THE SPEAKER'S ROOM,
September 12, 1966.

I hereby designate the Honorable HALE BOGGS to act as Speaker pro tempore today.
JOHN W. MCCORMACK.

PRAYER

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Give ear to my prayer, O God; and hide not Thyself from my supplication.—Psalm 55: 1.

Our Father God, whose love is from everlasting to everlasting and whose truth endureth forever, we pause in Thy presence with bowed heads, lifting our spirits unto Thee—unto whom all hearts are open, all desires known, and from whom no secrets are hid. Cleanse Thou the thoughts of our hearts by the inspiration of Thy holy spirit that we may love Thee more perfectly, do Thy will more confidently, and serve Thee and our Nation more faithfully.

We come disturbed by the troubles of our time, burdened by the weight of worry, and distressed by our inability to do what we ought to do. We pray for our Nation and for our world and for ourselves that we may increase the spirit of good will and thus be a part of the solution and not a part of the problem that confronts us. Give us the courage to carry on knowing that in Thee we find strength for each task. In the name of Christ we pray. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, September 8, 1966, 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 a bill of the House of the following title:

H.R. 6686. An act to amend the Civil Service Retirement Act in order to correct an inequity in the application of such act with respect to the U.S. Botanic Garden, and for other purposes.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 5392. An act to terminate the existence of the Indian Claims Commission, and for other purposes; and

H.R. 9323. An act to amend the law establishing the Indian revolving loan fund.

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 3051. An act granting the consent of Congress to the compact between Missouri and Kansas creating the Kansas City Area Transportation District and the Kansas City Area Transportation Authority.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 3625. An act to designate the dam being constructed on the Allegheny River, Pa., as the "Kinzua Dam," and the lake to be formed by such dam in Pennsylvania and New York as the "Allegheny Reservoir."

THE LATE C. E. WOOLMAN

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. WILLIAMS. Mr. Speaker, early yesterday morning, the hand of death wrote the final chapter to one of America's most fabulous success stories when it claimed the life of Mr. Collett Everman Woolman, president and founder of Delta Air Lines.

I knew Mr. Woolman as a warm and fine friend, as he had been a friend to many of my colleagues in this body and in the other body. To those of us who knew him as a friend, his passing is a personal loss, but to the thousands of people who work and fly for Delta, to the aviation community, and to the southeastern area of this Nation, in particular, the impact of his passing has created a void that cannot soon be filled.

We shall always be grateful for the tremendous contribution that has been made to the economic progress and development of our area by Delta through the efforts of Mr. Woolman.

His aviation career was usually described as spanning the era of jennys to jets. After serving as a county agricultural agent and managing a 7,000-acre plantation in Louisiana, he founded the world's first crop dusting firm in 1925 to combat the boll weevil that threatened to destroy the South's cotton economy. Four years later Mr. Woolman inaugurated passenger service on the airline. The company developed into the fifth largest domestic and the world's seventh largest airline with headquarters in Atlanta.

He was the only operating airline executive who saw his carrier introduce three different commercial jetliners—the Douglas DC-8, Convair 380, and the Douglas DC-9 passenger jets. Next Wednesday he would have seen Delta become the first domestic airline to fly the famed Lockheed Hercules all-cargo plane.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

As a leader among business leaders, Mr. Woolman still projected a personality of grace, charm, and humility. He took a deep personal interest in the people who worked for Delta, and I am convinced that no company executive ever enjoyed greater or more universal affection, respect, and loyalty from his employees. Certainly the outstanding example of the life and career of this remarkable man should serve to inspire American youth to finer and greater accomplishments.

Mr. Speaker, I join with millions of Mr. Woolman's friends and admirers in extending sympathy to his family and to Delta Air Lines' faithful family of employees in the great loss they have suffered.

THE GREAT DISCREPANCY BETWEEN PROMISE AND PERFORMANCE IN THE FIELD OF LOCAL ASSISTANCE

Mr. CONABLE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CONABLE. Mr. Speaker, in a special order here on August 31, I pointed out to the House the great discrepancy between Federal promise and Federal performance in the field of local assistance; and I labeled this one aspect of the credibility gap.

Mr. Speaker, I find the situation is actually continuing to worsen rather than to improve.

You will recall that at that time I said among other things the new basic sewer and water program, administered by the Department of Housing and Urban Development, involved applications for $2 billion, while Congress had approved only $100 million for this fiscal year.

Mr. Speaker, I now find that the Department has received some 25,000 applications, totaling $2.5 billion and, of course, the figure of $100 million has been formalized by the President's signature on the appropriation bill. I believe it was last Tuesday.

We have to face up to this problem. We cannot hold out the promise of partnership government to our localities unless we are ready to follow through on it.

Mr. Speaker, we should not promise if we cannot deliver.

VETO OF FOREIGN GIVEAWAY BILL URGED

Mr. GROSS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. GROSS. Mr. Speaker, in the interest of halting inflation and stabilizing interest rates, I have sent a communication to the President urging him to veto the multibillion-dollar annual foreign giveaway bill now on the President's desk. With at least $6 billion unexpended in the pipeline, I can think of no better place for the President to make a real contribution toward stabilizing interest rates and stopping inflation than to veto the foreign handout bill.

REDUCE EUROPEAN TROOP COMMITMENT SAFELY AND WISELY

Mr. FINDLEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. FINDLEY. Mr. Speaker, I speak as chairman of the House Republican Committee on NATO and the Atlantic Community.

A substantial reduction of U.S. troops in Europe makes sense especially if accompanied by a meaningful move by the United States to establish a nuclear defense system owned and controlled by NATO. These changes, of course, should be accomplished through negotiation within the NATO organization.

Rising troop demands in Vietnam and balance-of-payments problems dictate the troop cutback.

Conventional forces continue to be important in NATO defenses—and the United States should provide its proper share—but their size is far less important than the certainty of nuclear defense.

The defense of Europe presently depends almost entirely on nuclear weapons owned and controlled by the United States. Our commitment to use these weapons to defend our allies has been so sharply and arbitrarily altered by Defense Secretary McNamara's flexible response theory and other administration policies that it is no longer enough.

NATO should buy nuclear weapons and control them through a command system which no single nation can veto. This would give Europeans and Canadians assurance that their homes too are protected by nuclear defenses. This would be especially gratifying to Germany.

The United States could then safely and wisely reduce its European troop commitment.

BILL TO ESTABLISH BANK FOR ELECTRIC COOPERATIVES

Mr. HARVEY of Indiana. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. HARVEY of Indiana. Mr. Speaker, I am today introducing a bill that would grant authority to establish a bank for electric cooperatives within the structure of the Farm Credit Administration. The bill that I previously introduced was not adequate and was amended in the Subcommittee on Credit and Conservation of the Committee on Agriculture, of which I am a member.

I trust that this new bill will receive favorable consideration.

CALL OF THE HOUSE

Mr. CEDERBERG. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore (Mr. BOGGS). Evidently a quorum is not present.

Mr. MOSS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 273]

Abernethy	Friedel	O'Konski
Adair	Fulton, Pa.	Olsen, Mont.
Adams	Fulton, Tenn.	Olson, Minn.
Addabbo	Gallagher	O'Neill, Mass.
Albert	Garmatz	Ottinger
Andrews, Glenn	Gettys	Passman
Annunzio	Giaimo	Pelly
Ashley	Gilligan	Pepper
Aspinall	Grabowski	Philbin
Bandstra	Green, Oreg.	Pickle
Baring	Greigg	Pool
Barrett	Grover	Powell
Bates	Gubser	Pucinski
Battin	Gurney	Purcell
Berry	Hagan, Ga.	Quie
Boland	Hagen, Calif.	Rees
Bolling	Halleck	Reid, N.Y.
Broomfield	Hanley	Reifel
Byrne, Pa.	Hansen, Idaho	Reinecke
Cabell	Hansen, Wash.	Resnick
Cahill	Hébert	Rivers, S.C.
Callaway	Helstoski	Rodino
Carey	Hicks	Ronan
Carter	Holifield	Roncalio
Celler	Howard	Rooney, Pa.
Clark	Huot	Rostenkowski
Cleveland	Ichord	Roush
Colmer	Irwin	St Germain
Conyers	Jonas	St. Onge
Cooley	Jones, Mo.	Saylor
Corbett	Jones, N.C.	Scott
Corman	Karth	Sickles
Craley	Keith	Sisk
Culver	Kelly	Smith, N.Y.
Cunningham	Keogh	Smith, Va.
Curtin	King N.Y.	Steed
Daddario	King, Utah	Stephens
Daniels	Krebs	Stratton
Davis, Ga.	Kupferman	Sweeney
Dawson	Landrum	Talcott
Delaney	Leggett	Teague, Tex.
Dickinson	McClory	Tenzer
Diggs	McCulloch	Thomas
Donohue	McDowell	Thompson, Tex.
Dorn	McMillan	Todd
Duncan, Oreg.	McVicker	Toll
Dwyer	Macdonald	Tunney
Edmondson	MacGregor	Tuten
Edwards, Ala.	Machen	Udall
Erlenborn	Mackay	Van Deerlin
Evans, Colo.	Martin, Ala.	Vigorito
Fallon	Martin, Mass.	Walker, Miss.
Farbstein	May	Walker, N. Mex.
Farnsley	Michel	Weltner
Farnum	Minish	Whalley
Feighan	Moeller	White, Idaho
Fino	Moorhead	Widnall
Fisher	Morris	Willis
Flynt	Morrison	Wolff
Ford, William D.	Morton	Wydler
Frelinghuysen	Murray	Zablocki
	Nix	
	O'Brien	

The SPEAKER pro tempore (Mr. BOGGS). On this rollcall, 243 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

SUBCOMMITTEE ON PUBLIC HEALTH AND WELFARE

Mr. MOSS. Mr. Speaker, I ask unanimous consent that the Subcommittee on Public Health and Welfare of the Committee on Interstate and Foreign Commerce may be permitted to sit during general debate today.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

TEMPORARY SUSPENSION OF THE INVESTMENT TAX CREDIT

Mr. ROGERS of Florida. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. ROGERS of Florida. Mr. Speaker, the President's request for a temporary suspension of the investment tax credit, coupled with a cut in Federal spending, I believe will receive favorable consideration by the Congress and the American people.

The tax credit was added to the law to encourage capital investment at a time when the economy was suffering from unemployment. Today's high employment and the threat of inflation require a change. Together with the cut in Federal spending, the President's proposals will reduce the pressure on interest rates and help readjust an economy which has approached a dangerous spiral. Certainly this approach is much preferable to an increase in personal income taxes.

BEIRUT AGREEMENT IMPLEMENTATION LEGISLATION

Mr. TRIMBLE. Mr. Speaker, by direction of the Committee on Rules, I call up the resolution (H. Res. 1002) providing for the consideration of the joint resolution (H.J. Res. 688) to give effect to the Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific, and Cultural Character, approved at Beirut in 1948, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1002

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 688) to give effect to the Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific, and Cultural Character, approved at Beirut in 1948, and all points of order against said joint resolution are hereby waived. After general debate, which shall be confined to the joint resolution and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the joint resolution shall be considered as having been read for amendment. No amendment shall be in order to said joint resolution except amendments offered by direction of the Committee on Ways and Means, and said amendments shall be in order, any rule of the House to the contrary notwithstanding. Amendments offered by direction of the Committee on Ways and Means may be offered to any section of the joint resolution at the conclusion of general debate, but said amendments shall not be subject to amendment. At the conclusion of the consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore (Mr. BOGGS). The gentleman from Arkansas [Mr. TRIMBLE] is recognized for 1 hour.

Mr. TRIMBLE. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio [Mr. LATTA], and, pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1002 provides a closed rule, waiving points of order, with 2 hours of general debate for consideration of House Joint Resolution 688, a joint resolution to give effect to the Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific, and Cultural Character, approved at Beirut in 1948.

The Beirut agreement, which would be implemented by House Joint Resolution 688, was proposed by the U.S. delegation to the General Conference of the United Nations Educational, Scientific, and Cultural Organization—UNESCO—at its third session in Beirut, Lebanon, in 1948. The agreement was there developed and adopted in its present textual form and recommended to member states for signature.

At the present time the agreement is formally operational in 17 countries. In accordance with its terms, the agreement entered into force on August 12, 1954, when the 10th country commenced formal participation.

The Senate gave advice and consent to ratification of the Beirut agreement on May 26, 1960. Deposit of ratification is being withheld pending enactment of this implementing legislation. Upon enactment of this legislation it is expected that the instrument of ratification will be deposited with the United Nations.

The purpose of House Joint Resolution 688 is to implement the agreement. To accomplish this purpose, the joint resolution would authorize the President to designate a Federal agency or agencies to assume the responsibility of carrying out the provisions of the agreement. It would add a new headnote and a new item to part 6 of schedule S of the Tariff Schedules of the United States to permit duty-free treatment for articles that are determined to be visual or auditory materials of an educational, scientific, or cultural character within the meaning of the agreement.

Mr. Speaker, I urge the adoption of House Resolution 1002.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. TRIMBLE. I yield to the gentleman.

Mr. HALL. Mr. Speaker, I appreciate my colleague from south of the Missouri border yielding to me. I want to propound my usual question wherein points of order are waived by the proposed rule.

Mr. Speaker, I notice on lines 8 and 9, page 1, of the resolution—House Resolution 1002—that it says:

All points of order against said joint resolution are hereby waived.

This, of course, will not make it an open rule, it closes it as far as intervention on any point of order is concerned.

I would like to have the gentleman tell me whether this resulted within the wisdom of the Committee on Rules purely and solely, or whether it was requested by the chairman of the committee presenting House Joint Resolution 688 before the House, or what is the purpose of precluding the individual Members rights of intervening a point of order in this bill?

Mr. TRIMBLE. I might say to the gentleman from Missouri that it was done at the request of the gentleman from Arkansas [Mr. MILLS] and in the wisdom of the Committee on Rules. I yield to the gentleman from Arkansas to answer the question.

Mr. MILLS. Mr. Speaker, the reason for the request is the failure to comply in the report completely with the Ramseyer rule, which might have required a reproduction in the report of all of the provisions of the Tariff Schedules of the United States, as amended. There is nothing within the framework of the bill itself, of which I am aware, which would be subject to a point of order.

Mr. HALL. If the gentleman will yield further, can it be further confirmed that it was purely the Ramseyer rule rather than lack of germaneness or any other violation of the Rules of the House?

Mr. MILLS. That is the only possible violation, so far as I am aware.

Mr. HALL. Adherence to the Ramseyer rule might have necessitated the printing of italic and parentheses of the provisions of the schedules to be changed, to which the gentleman referred?

Mr. MILLS. Yes; and complete compliance might have required the addition of two or three volumes to the report, and thus it would have added materially to the cost of printing.

Mr. HALL. I thank the gentleman for yielding.

Mr. LATTA. Mr. Speaker, as the gentleman from Arkansas has stated, the resolution would make in order consideration of House Joint Resolution 688. Just a word about this resolution.

The General Conference of the United Nations Educational, Scientific, and Cultural Organization at its third session at Beirut, Lebanon, in 1948, approved and recommended to member states for signature an agreement for facilitating the international circulation of visual and auditory materials of an

educational, scientific, and cultural character.

The agreement has already been ratified with the advice and consent of the Senate. This resolution would be an implementation of that agreement. It would give the President of the United States authority to designate a Federal agency or agencies to have the responsibility for carrying out the provisions of this agreement.

Second, as has already been alluded to, the joint resolution would attempt to amend part 6 of schedule 8 of the Tariff Schedules of the United States to permit duty-free treatment for articles that are determined to be visual or auditory material of an educational, scientific, or cultural character within the meaning of the agreement.

Mr. Speaker, I have no further requests for time. I yield back the balance of my time.

Mr. TRIMBLE. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The question was taken; and the Speaker pro tempore announced that the "ayes" appeared to have it.

Mr. ASHBROOK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 243, nays 2, not voting 187, as follows:

[Roll No. 274]

YEAS—243

Abbitt
Adams
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Arends
Ashmore
Ayres
Beckworth
Belcher
Bell
Bennett
Betts
Bingham
Blatnik
Boggs
Bolton
Bow
Brademas
Bray
Brock
Brooks
Brown, Clarence J., Jr.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke
Burleson
Burton, Calif.
Burton, Utah
Byrnes, Wis.
Callan
Cameron
Casey
Cederberg
Chelf
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clevenger
Cohelan
Collier
Conable
Conte
Cramer
Curtis
Dague
Davis, Wis.
Dawson
de la Garza
Dent
Denton
Derwinski
Devine
Dingell
Dole
Dow
Dowdy
Downing
Dulski
Duncan, Tenn.
Dyal
Edwards, Calif.
Edwards, La.
Ellsworth
Everett
Evins, Tenn.
Fascell
Findley
Flood
Fogarty
Foley
Ford, Gerald R.
Fountain
Fraser
Gathings
Gibbons
Gilbert
Gonzalez
Goodell
Green, Pa.
Grider
Griffiths
Gross
Gubser
Haley
Hall
Halpern
Hamilton
Hanna
Hansen, Iowa
Hardy
Harsha
Harvey, Ind.
Harvey, Mich.
Hathaway
Hawkins
Hays
Hechler
Henderson
Herlong
Holifield
Holland
Hosmer
Hull
Hungate
Hutchinson
Jacobs
Jarman
Jennings
Joelson
Johnson, Calif.
Johnson, Okla.
Johnson, Pa.
Jones, Ala.
Karsten
Kastenmeier
Kee
King, Calif.
Kirwan
Kluczynski
Kunkel
Laird
Langen
Latta
Lennon
Lipscomb
Long, La.
Long, Md.
Love
McCarthy
McDade
McEwen
McFall
McGrath
Mackie
Madden
Mahon
Mailliard
Marsh
Martin, Nebr.
Mathias
Matsunaga
Matthews
Meeds
Miller
Mills
Mink
Minshall
Mize
Monagan
Moore
Morgan
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
O'Hara, Ill.
O'Neal, Ga.
Ottinger
Patman
Patten
Perkins
Pike
Pirnie
Poage
Poff
Price
Quie
Quillen
Race
Randall
Redlin
Reid, Ill.
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Rivers, S.C.
Rivers, Alaska
Roberts
Robison
Rogers, Colo.
Rogers, Fla.
Rogers, Tex.
Rooney, N.Y.
Rosenthal
Roudebush
Roybal
Rumsfeld
Ryan
Satterfield
Scheuer
Schisler
Schmidhauser
Schneebeli
Schweiker
Selden
Shipley
Shriver
Sikes
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, Va.
Springer
Stafford
Staggers
Stalbaum
Stanton
Stubblefield
Sullivan
Taylor
Teague, Calif.
Tenzer
Thompson, N.J.
Thomson, Wis.
Trimble
Tuck
Tupper
Utt
Vanik
Vivian
Waggonner
Waldie
Watkins
Watson
Watts
White, Tex.
Whitener
Whitten
Williams
Wilson, Charles H.
Wright
Wyatt
Yates
Young
Younger

NAYS—2

Ashbrook
Secrest

NOT VOTING—187

Abernethy
Adair
Addabbo
Albert
Andrews, George W.
Andrews, Glenn
Annunzio
Ashley
Aspinall
Bandstra
Baring
Barrett
Bates
Battin
Berry
Boland
Bolling
Broomfield
Brown, Calif.
Byrne, Pa.
Cabell
Cahill
Callaway
Carey
Carter
Celler
Chamberlain
Cleveland
Colmer
Conyers
Cooley
Corbett
Corman
Craley
Culver
Cunningham
Curtin
Daddario
Daniels
Davis, Ga.
Delaney
Dickinson
Diggs
Donohue
Dorn
Duncan, Oreg.
Dwyer
Edmondson
Edwards, Ala.
Erlenborn
Evans, Colo.
Fallon
Farbstein
Farnsley
Farnum
Feighan
Fino
Fisher
Flynt
Ford, William D.
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Gallagher
Garmatz
Gettys
Giaimo
Gilligan
Grabowski
Gray
Green, Oreg.
Greigg
Grover
Gurney
Hagan, Ga.
Hagen, Calif.
Halleck
Hanley
Hansen, Idaho
Hansen, Wash.
Hébert
Helstoski
Hicks
Horton
Howard
Huot
Ichord
Irwin
Jonas
Jones, Mo.
Jones, N.C.
Karth
Keith
Kelly
Keogh
King, N.Y.
King, Utah
Kornegay
Krebs
Kupferman
Landrum
Leggett
McClory
McCulloch
McDowell
McMillan
McVicker
Macdonald
MacGregor
Machen
Mackay
Martin, Ala.
Martin, Mass.
May
Michel
Minish
Moeller
Moorhead
Morris
Morrison
Morse
Morton
Murray
Nix
O'Brien
O'Hara, Mich.
O'Konski
Olsen, Mont.
Olson, Minn.
O'Neill, Mass.
Passman
Pelly
Pepper
Philbin
Pickle
Pool
Powell
Pucinski
Purcell
Rees
Reid, N.Y.
Reifel
Reinecke
Resnick
Rodino
Ronan
Roncalio
Rooney, Pa.
Rostenkowski
Roush
St Germain
St. Onge
Saylor
Scott
Senner
Sickles
Sisk
Smith, N.Y.
Steed
Stephens
Stratton
Sweeney
Talcott
Teague, Tex.
Thomas
Thompson, Tex.
Todd
Toll
Tunney
Tuten
Udall
Ullman
Van Deerlin
Vigorito
Walker, Miss.
Walker, N. Mex.
Weltner
Whalley
White, Idaho
Widnall
Willis
Wilson, Bob
Wolff
Wydler
Zablocki

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Keogh with Mr. McClory.
Mr. Hébert with Mr. King of New York.
Mr. Garmatz with Mr. Corbett.
Mr. O'Neill of Massachusetts with Mrs. Dwyer.
Mr. Zablocki with Mr. Carter.
Mr. Wolff with Mr. Saylor.
Mr. Teague of Texas with Mr. Martin of Massachusetts.
Mr. Sweeney with Mrs. May.
Mr. Sickles with Mr. O'Konski.
Mr. Rooney of Pennsylvania with Mr. Reid of New York.
Mr. Daniels with Mr. Reinecke.
Mr. Rodino with Mr. McCulloch.
Mr. Minish with Mr. Halleck.
Mr. Helstoski with Mr. Fulton of Pennsylvania.
Mr. Friedel with Mr. Fino.
Mr. Gallagher with Mr. Curtin.
Mr. Morris with Mr. Cahill.
Mr. Pickle with Mr. Whalley.
Mr. Gilligan with Mr. Wydler.
Mr. Leggett with Mr. Widnall.
Mr. Howard with Mr. Pelly.
Mr. Barrett with Mr. Morse.
Mr. Addabbo with Mr. Edwards of Alabama.
Mr. Aspinall with Mr. Berry.
Mr. Byrne of Pennsylvania with Mr. Callaway.
Mr. Albert with Mr. Adair.
Mrs. Kelly with Mr. Jonas.
Mr. Moeller with Mr. Gurney.
Mr. Fallon with Mr. Bates.
Mr. Edmondson with Mr. Walker of Mississippi.
Mr. Fulton of Tennessee with Mr. Talcott.
Mr. Farbstein with Mr. Reifel.
Mr. Grabowski with Mr. Smith of New York.
Mr. Walker of New Mexico with Mr. Michel.
Mr. Van Deerlin with Mr. Hansen of Idaho.
Mr. Stratton with Mr. Cleveland.
Mr. Moorhead with Mr. Broomfield.
Mr. Macdonald with Mr. Keith.
Mr. White of Idaho with Mr. Frelinghuysen.
Mr. Donohue with Mr. Erlenborn.
Mr. Delaney with Mr. Dickinson.
Mr. Philbin with Mr. Cunningham.
Mr. Feighan with Mr. Chamberlain.
Mr. Evans of Colorado with Mr. Battin.
Mr. Carey with Mr. Morton.
Mr. Colmer with Mr. Martin of Alabama.
Mr. Celler with Mr. MacGregor.
Mr. Bandstra with Mr. Grover.
Mr. Karth with Mr. Kupferman.
Mr. Kornegay with Mr. Horton.
Mr. King of Utah with Mr. Glenn Andrews.
Mr. St. Onge with Mr. Bob Wilson.
Mr. St Germain with Mr. Huot.
Mr. Annunzio with Mr. Irwin.
Mr. Boland with Mr. Ichord.
Mr. Brown of California with Mr. Conyers.
Mr. Cooley with Mr. Duncan of Oregon.
Mr. Giaimo with Mr. Gray.
Mr. Daddario with Mr. Culver.
Mr. McDowell with Mr. Machen.
Mr. Morrison with Mr. Pepper.
Mr. Pucinski with Mr. Powell.
Mr. Resnick with Mr. Diggs.
Mr. Krebs with Mr. Nix.
Mr. O'Brien with Mr. Olsen of Montana.
Mr. Weltner with Mr. Vigorito.
Mr. Ullman with Mr. Tuten.
Mrs. Thomas with Mr. Scott.
Mr. Roncalio with Mr. Hicks.
Mr. Rostenkowski with Mr. Senner.
Mr. Ronan with Mr. Corman.
Mr. Craley with Mr. Dorn.
Mr. Steed with Mr. Jones of North Carolina.

Mr. Sisk with Mr. Stephens.
Mr. McVicker with Mr. Willis.
Mr. Olson of Minnesota with Mr. Passman.
Mr. Hagen of California with Mrs. Hansen of Washington.
Mr. Hanley with Mr. Hagan of Georgia.
Mrs. Green of Oregon with Mr. Greigg.
Mr. Gettys with Mr. William D. Ford.
Mr. Fuqua with Mr. Fisher.
Mr. Purcell with Mr. Flynt.
Mr. O'Hara of Michigan with Mr. Farnsley.
Mr. Mackay with Mr. Todd.
Mr. Tunney with Mr. Thompson of Texas.
Mr. Udall with Mr. Cabell.
Mr. Pool with Mr. Farnum.
Mr. Abernethy with Mr. Ashley.
Mr. Baring with Mr. Toll.
Mr. Davis of Georgia with Mr. Roush.
Mr. Rees with Mr. McMillan.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

FEDERAL TAX LIEN ACT OF 1966

Mr. TRIMBLE. Mr. Speaker, by direction of the Committee on Rules, I call up the resolution (H. Res. 1005) providing for the consideration of the bill (H.R. 11256) to amend the Internal Revenue Code of 1954 with respect to the priority and effect of Federal tax liens and levies, and for other purposes, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1005

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11256) to amend the Internal Revenue Code of 1954 with respect to the priority and effect of Federal tax liens and levies, and for other purposes, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed four hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment. It shall be in order to consider without the intervention of any point of order the amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill. No other amendment to the bill or committee amendment in the nature of a substitute shall be in order except amendments offered by direction of the Committee on Ways and Means, and said amendments shall be in order, any rule of the House to the contrary notwithstanding, but such amendments shall not be subject to amendment. At the conclusion of such consideration the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Arkansas [Mr. TRIMBLE] for 1 hour.

Mr. TRIMBLE. Mr. Speaker, I yield 30 minutes to the gentleman from Nebraska [Mr. MARTIN] and pending that I reserve such time as I may consume.

Mr. Speaker, House Resolution 1005 provides for consideration of H.R. 11256, a bill to amend the Internal Revenue Code of 1954 with respect to the priority and effect of Federal tax liens and levies, and for other purposes. The resolution provides a closed rule, waiving points of order, with 4 hours of general debate, making it in order to consider the committee substitute without the intervention of a point of order.

H.R. 11256 is in part an attempt to conform the lien provisions of the internal revenue laws to the concepts developed in a Uniform Commercial Code. It represents an effort to adjust the provisions in the internal revenue laws relating to the collection of taxes of delinquent persons to the more recent developments in commercial practice—permitted and protected under State law—and to deal with a multitude of technical problems which have arisen over the past 50 years.

Under present law, the lien for Federal taxes arises when a taxpayer's liability is assessed. The lien attaches to all of the property he then holds or subsequently acquires. The assessment is made when the Internal Revenue Service—which occurs, in the case of a taxpayer who voluntarily shows the tax liability on his return, shortly after the time the return is filed. Although the lien arises on the date of assessment, present law provides that purchasers and certain categories of secured creditors are given priority over the tax lien up to the time a notice of the tax lien is filed in the appropriate local office as designated by State law. Mortgagees, pledgees, purchasers, and judgment lien creditors are given priority status. In addition, in the case of securities and motor vehicles, present law provides that even a filed Federal tax lien is not generally to be effective as against a purchaser or a mortgagee or pledgee of the securities or a purchaser of motor vehicles.

H.R. 11256 would substantially improve the status of private secured creditors. This is accomplished, first, by expanding the categories of creditors protected as against a nonfiled tax lien to include a mechanic's lienor.

Second, various types of secured creditor interests already having, or given, priority status over tax liens are specifically defined, and it is provided that where those interests qualify under the definities they are to be accorded this priority status whether or not they are in all other respects definite and complete at the time notice of the tax lien is filed.

Third, the bill adds to the "superiority" status accorded securities and motor vehicles an additional eight categories of interests, which are to be effective as against a tax lien, even though notice of the lien has been filed.

Fourth, a priority status is provided for interests arising under three types of financing agreements entered into before the tax lien filing—commercial transactions financing, real property construction or improvement financing, and obligatory disbursements—even though the funds are advanced or the property comes into existence after the tax lien filing. In the case of commercial transactions financing, the protection generally is afforded even though the property underlying the lien is not yet in existence or is turned over within a short time—45 days—after the tax lien filing as long as the loan or purchase is made within this time. In the absence of this grace period, commercial factors and other lenders would have to check on a daily basis to see if the tax lien is filed to protect their interests. Interests arising under the real property construction and improvement financing agreements are protected even though loans are made after the tax lien filing because the construction is expected to enhance the value of the property underlying the tax lien. Interests arising under an obligatory disbursement agreement are protected because a person is obliged under a preexisting agreement to make disbursements after a tax lien filing and someone other than the taxpayer has relied on this obligation.

Fifth, a limited type of priority is given by the bill with respect to two other categories. In the case of security interest, generally, protection is afforded for a period of up to 45 days after the filing of a tax lien. Also, interest paid with respect to interest having priority over a Federal tax lien and costs of preserving property subject to an interest having a priority over a tax lien are given a priority over tax liens even though notice has been filed.

In addition to dealing with the relative priority of creditors' interests as against Federal tax liens, the bill also makes numerous modifications in the provisions of the internal revenue laws dealing with the procedures to be followed in collecting the taxes of a delinquent person. In general terms, these modifications are intended to represent a reasonable accommodation of the interests of the Government in collecting the taxes of delinquent taxpayers with the rights of the taxpayers and third parties. The modifications are concerned with the procedures of levying upon property of a delinquent taxpayer, the liability of lenders, sureties, and so forth, for withholding taxes, the running of the statute of limitations in the case of delinquent tax liabilities, procedures arising out of, or with respect to, the sale of property of delinquent taxpayers, the court procedures to be followed with respect to tax liens, and provision for the redemption of real property by the United States, where sold by a creditor with a higher priority.

Mr. Speaker, I urge the adoption of House Resolution 1005 in order that the bill may be considered.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. TRIMBLE. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the gentleman yielding.

Mr. Speaker, I want to propound the same question on waiving points of order. Can the gentleman from Arkansas, a member of the Committee on Rules, advise me as to the points of order on lines 7 and 8, page 1, of House Resolution 1005, and again as to pertinence to the substitute amendment by the committee on lines 2 and 3 of page 2 for the same purpose as in the previous rule; namely, to comply with

the Ramseyer rule in preventing the intervention of a point of order calling for the reprinting of the entire tax bill, in this case the Internal Revenue Code of 1954, if it were not waived; and I ask if that is the sole purpose of waiving points of order?

Mr. TRIMBLE. Mr. Speaker, I yield to my colleague from Arkansas [Mr. MILLS].

Mr. MILLS. Mr. Speaker, I thank my colleague for yielding.

The gentleman from Missouri has evaluated the situation correctly. Without waiver of points of order in this instance we might have been required to reprint in the report of the committee all the provisions of the Internal Revenue Code. There is no provision of the bill H.R. 11256 that I know of to which a point of order could be made and require that such part be stricken on the basis of a point of order. All the provisions are germane to the bill.

Mr. HALL. Mr. Speaker, if the gentleman will yield further, does the distinguished gentleman from Arkansas, the chairman of the Committee on Ways and Means, agree with me that the resolution does obviate and preclude the right of individual Members, albeit in the interest of a saving of printing?

Mr. MILLS. Only does it do that, as I understand the situation, if some part of the bill itself were subject to a point of order, and there is no part of the bill that I know of that would be subject to a point of order because all parts deal with the same subject matter. They are germane to this subject matter and all, of course, are changes within the Internal Revenue Code.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. TRIMBLE. I yield to the gentleman from Iowa.

Mr. GROSS. Does not this rule provide that only amendments to the rule may be offered that are proposed by the committee, and then no amendment could be offered to that amendment?

Mr. MILLS. That is true.

Mr. GROSS. So that it goes further than compliance with the Ramseyer rule——

Mr. MILLS. If the gentleman will yield to me, I was speaking to the point raised by our friend, the gentleman from Missouri [Mr. HALL], and not on the question of what amendments may be offered. He was raising the question, as I understood, as to the waiving of points of order.

Mr. GROSS. Is this bill wide open to amendment?

Mr. MILLS. No, the bill would come in under this rule, which would preclude amendments except committee amendments.

Mr. GROSS. So this rule would effectively preclude a Member from offering an amendment to the bill?

Mr. MILLS. The bill itself would amend the Internal Revenue Code in many respects, and I suspect it would open the Internal Revenue Code to amendment in most respects.

Mr. GROSS. In the absence of this rule it would be possible to offer an amendment to this bill to increase taxes or lower, would it not?

Mr. MILLS. Yes, that would be a possibility.

Mr. GROSS. We might here, now and today, settle the issue, the indecision of the President as to whether he is going to ask for an increase in taxes. Of course, I am sure we are all aware that if he does, it will come after the election, not before the election, but we could here today settle the issue for the President and take politics out of the fixing of taxes. If it were not for this rule, at least we could make the attempt to do so. Does the gentleman agree with that?

Mr. MILLS. It would be possible to offer amendments here, as I take it, to increase taxes or to lower taxes, to increase personal exemptions or to do otherwise.

Mr. GROSS. I thank the gentleman for yielding.

Mr. MARTIN of Nebraska. Mr. Speaker, as the gentleman from Arkansas has explained, House Resolution 1005 makes in order the consideration of H.R. 11256, the Federal Tax Lien Act of 1966. The rule provides for 4 hours of debate under a closed rule. No amendments will be in order after the close of debate unless offered by direction of the Committee on Ways and Means. All points of order are waived against the bill.

These two provisions, the closed rule and the waiver of all points of order against the bill are steps which the Rules Committee has somewhat reluctantly taken in this instance. It has done so because the bill amends the Internal Revenue Code of 1954. To avoid opening the entire code to amendment, and to avoid the needless expense of printing the entire code, as required by the Ramseyer rule, the Rules Committee has acted in this manner. I should point out that those parts of the Internal Revenue Code that are proposed to be amended, as well as that part of title 28, dealing with tax problems where the Government is a defendant, are set out so that Members can see the proposed changes inserted in the text.

Mr. Speaker, the purpose of H.R. 11256 is to bring up to date the Federal tax lien statutes; they have not been comprehensively reviewed for about 50 years. In that time many changes have occurred in the complex field of commercial transactions; many of these changes have been codified in the Uniform Commercial Code which is in use in over 40 States. In part the bill reported by the Committee on Ways and Means represents an effort to bring tax lien provisions into line with the updated commercial law. The bill also is intended to reach a reasonable accommodation between the interests of the Federal Government in collecting delinquent taxes and the rights of taxpayers and third parties whose interests are affected.

Under current law, a lien for Federal taxes arises when the taxpayer's liability is assessed; it attaches to all property he owns or may later acquire. Although the Federal tax lien attaches at the time of assessment, the law provides that purchasers of the taxpayer's property, and some categories of secured creditors are given a priority up to the time a notice of the lien is filed. Mortgagees, pledgees, and judgment creditors are now given this priority.

H.R. 11256 improves the status of private, secured creditors by expanding the categories of creditors so protected substantially, and these protected categories are defined in law so that persons whose interests qualify, are accorded priority status whether or not such interests are in all respects definite and complete at the time notice of the Federal tax lien is filed.

Other changes are made, but this is a highly technical field and I will leave it to the committee members to go into greater detail.

The bill was reported unanimously; it is supported by the Treasury. I know of no opposition to the rule, Mr. Speaker, and I urge its adoption. I have no further requests for time and I yield back the balance of my time.

I have no further requests for time.

Mr. TRIMBLE. Mr. Speaker, I have no further requests for time.

I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The question was taken; and the Speaker pro tempore announced that the "ayes" appeared to have it.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 244, nays 9, not voting 179, as follows:

[Roll No. 275]

YEAS—244

Abbitt	Chelf	Fountain
Adams	Clancy	Fraser
Anderson, Ill.	Clark	Fuqua
Anderson, Tenn.	Clausen, Don H.	Gathings
Andrews, George W.	Clawson, Del	Gibbons
Andrews, N. Dak.	Clevenger	Gilbert
Arends	Cohelan	Gonzalez
Ashmore	Collier	Goodell
Ayres	Conable	Gray
Beckworth	Conte	Green, Pa.
Belcher	Cramer	Grider
Bell	Curtis	Griffiths
Bennett	Dague	Gubser
Betts	Davis, Wis.	Haley
Bingham	Dawson	Halpern
Blatnik	de la Garza	Hamilton
Boggs	Dent	Hansen, Iowa
Bolton	Denton	Hardy
Bow	Devine	Harsha
Brademas	Dingell	Harvey, Ind.
Bray	Dole	Harvey, Mich.
Brock	Dow	Hathaway
Brooks	Dowdy	Hawkins
Brown, Clarence J., Jr.	Downing	Hays
Broyhill, N.C.	Dulski	Hechler
Broyhill, Va.	Duncan, Tenn.	Henderson
Burke	Dyal	Herlong
Burleson	Edwards, Ala.	Holifield
Burton, Calif.	Edwards, Calif.	Holland
Byrnes, Wis.	Edwards, La.	Hosmer
Callan	Ellsworth	Hull
Cameron	Everett	Hungate
Carter	Evins, Tenn.	Hutchinson
Casey	Fascell	Jacobs
Cederberg	Findley	Jarman
Chamberlain	Flood	Jennings
	Fogarty	Joelson
	Foley	Johnson, Calif.
	Ford, Gerald R.	Johnson, Okla.
		Johnson, Pa.

Jonas
Jones, Ala.
Karsten
Kastenmeier
Kee
King, Calif.
Kirwan
Kluczynski
Kornegay
Kunkel
Laird
Langen
Latta
Lennon
Lipscomb
Long, La.
Long, Md.
Love
McCarthy
McDade
McEwen
McFall
McGrath
Mackie
Madden
Mahon
Marsh
Martin, Nebr.
Matsunaga
Matthews
Meeds
Miller
Mills
Mink
Minshall
Mize
Monagan
Moore
Morgan
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
O'Brien
O'Hara, Ill.
O'Hara, Mich.
O'Neal, Ga.
Ottinger
Patman
Patten
Perkins
Pike
Pirnie
Poage
Poff
Price
Quie
Quillen
Race
Randall
Redlin
Reid, Ill.
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Rivers, S.C.
Rivers, Alaska
Roberts
Robison
Rogers, Colo.
Rogers, Fla.
Rogers, Tex.
Rooney, N.Y.
Rosenthal
Roudebush
Roush
Roybal
Ryan
Satterfield
Scheuer
Schisler
Schmidhauser
Schneebeli
Schweiker
Secrest
Selden
Shipley
Shriver
Sikes
Slack
Smith, Iowa
Smith, Va.
Springer
Stafford
Staggers
Stalbaum
Stanton
Stubblefield
Sullivan
Taylor
Teague, Tex.
Tenzer
Thompson, N.J.
Thomson, Wis.
Trimble
Tuck
Tupper
Ullman
Utt
Vanik
Vivian
Waggonner
Waldie
Watkins
Watts
White, Tex.
Whitener
Whitten
Williams
Wilson, Charles H.
Wright
Wyatt
Yates
Young
Younger

NAYS—9

Ashbrook
Buchanan
Burton, Utah
Derwinski
Gross
Hall
Rumsfeld
Skubitz
Watson

NOT VOTING—178

Abernethy
Adair
Addabbo
Albert
Andrews, Glenn
Annunzio
Ashley
Aspinall
Bandstra
Baring
Barrett
Bates
Battin
Berry
Boland
Bolling
Broomfield
Brown, Calif.
Byrne, Pa.
Cabell
Cahill
Callaway
Carey
Celler
Cleveland
Colmer
Conyers
Cooley
Corbett
Corman
Craley
Culver
Cunningham
Curtin
Daddario
Daniels
Davis, Ga.
Delaney
Dickinson
Diggs
Donohue
Dorn
Duncan, Org.
Dwyer
Edmondson
Erlenborn
Evans, Colo.
Fallon
Farbstein
Farnsley
Farnum
Feighan
Fino
Fisher
Flynt
Ford, William D.
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Gallagher
Garmatz
Gettys
Giaimo
Gilligan
Grabowski
Green, Oreg.
Greigg
Grover
Gurney
Hagan, Ga.
Hagen, Calif.
Halleck
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Hébert
Helstoski
Hicks
Horton
Howard
Huot
Ichord
Irwin
Jones, Mo.
Jones, N.C.
Karth
Keith
Kelly
Keogh
King, N.Y.
King, Utah
Krebs
Kupferman
Landrum
Leggett
McClory
McCulloch
McDowell
McMillan
McVicker
Macdonald
MacGregor
Machen
Mackay
Mailliard
Martin, Ala.
Martin, Mass.
Mathias
May
Michel
Minish
Moeller
Moorhead
Morris
Morrison
Morse
Morton
Murray
Nix
O'Konski
Olsen, Mont.
Olson, Minn.
O'Neill, Mass.
Passman
Pelly
Pepper
Philbin
Pickle
Pool
Powell
Pucinski
Purcell
Rees
Reid, N.Y.
Reifel
Reinecke
Resnick
Rodino
Ronan
Roncalio
Rooney, Pa.
Rostenkowski
St Germain
St. Onge
Saylor
Scott
Senner
Sickles
Sisk
Smith, Calif.
Smith, N.Y.
Steed
Stephens
Stratton
Sweeney
Talcott
Teague, Calif.
Thomas
Thompson, Tex.
Todd
Toll
Tunny
Tuten
Udall
Van Deerlin
Vigorito
Walker, Miss.
Walker, N. Mex.
Weltner
Whalley
White, Idaho
Widnall
Willis
Wilson, Bob
Wolff
Wydler
Zablocki

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Keogh with Mr. King of New York.
Mr. Hébert with Mrs. Dwyer.
Mr. Garmatz with Mr. Saylor.
Mr. O'Neill of Massachusetts with Mr. Martin of Massachusetts.
Mr. Zablocki with Mrs. May.
Mr. Wolff with Mr. O'Konski.
Mr. Delaney with Mr. Reid of New York.
Mr. Sweeney with Mr. Reinecke.
Mr. Sickles with Mr. McCulloch.
Mr. Rooney of Pennsylvania with Mr. Halleck.
Mr. Daniels with Mr. Fulton of Pennsylvania.
Mr. Rodino with Mr. Fino.
Mr. Minish with Mr. Curtin.
Mr. Helstoski with Mr. Whalley.
Mr. Friedel with Mr. Cahill.
Mr. Gallagher with Mr. Wydler.
Mr. Morris with Mr. Widnall.
Mr. Pickle with Mr. Pelly.
Mr. Gilligan with Mr. Morse.
Mr. Leggett with Mr. Berry.
Mr. Howard with Mr. Callaway.
Mr. Barrett with Mr. Gurney.
Mr. Addabbo with Mr. Walker of Mississippi.
Mr. Aspinall with Mr. Bates.
Mr. Byrne of Pennsylvania with Mr. Talcott.
Mr. Albert with Mr. Adair.
Mrs. Kelly with Mr. Reifel.
Mr. Moeller with Mr. Smith of New York.
Mr. Fallon with Mr. Michel.
Mr. Edmondson with Mr. Hansen of Idaho.
Mr. Fulton of Tennessee with Mr. Cleveland.
Mr. Farbstein with Mr. Broomfield.
Mr. Grabowski with Mr. Keith.
Mr. Walker of New Mexico with Mr. Frelinghuysen.
Mr. Van Deerlin with Mr. Erlenborn.
Mr. Stratton with Mr. Dickinson.
Mr. Moorhead with Mr. Cunningham.
Mr. Macdonald with Mr. Battin.
Mr. White of Idaho with Mr. Morton.
Mr Donohue with Mr. Martin of Alabama.
Mr. Philbin with Mr. MacGregor.
Mr. Feighan with Mr. Grover.
Mr. Evans with Mr. Kupferman.
Mr. Casey with Mr. Glenn Andrews.
Mr. Colmer with Mr. Bob Wilson.
Mr. Celler with Mr. Conyers.
Mr. Bandstra with Mr. Duncan of Oregon.
Mr. Karth with Mr. Culver.
Mr. King of Utah with Mr. Machen.
Mr. St. Onge with Mr. Pepper.
Mr. St Germain with Mr. Powell.
Mr. Annunzio with Mr. Diggs.
Mr. Boland with Mr. Nix.
Mr. Brown of California with Mr. Vigorito.
Mr. Cooley with Mr. Tuten.
Mr. Giaimo with Mr. Scott.
Mr. Daddario with Mr. Hicks.
Mr. McDowell with Mr. Senner.
Mr. Morrison with Mr. Corman.
Mr. Pucinski with Mr. Dorn.
Mr. Resnick with Mr. Stephens.
Mr. Krebs with Mr. Sisk.
Mr. Olsen of Montana with Mr. McVicker.
Mr. Weltner with Mr. Olson of Minnesota.
Mrs. Thomas with Mr. Hagen of California.
Mr. Roncalio with Mr. Hanley.
Mr. Rostenkowski with Mrs. Green of Oregon.
Mr. Ronan with Mr. Gettys.
Mr. Craley with Mr. Purcell.
Mr. Huot with Mr. Mackay.
Mr. Irwin with Mr. Tunney.
Mr. Ichord with Mr. Udall.
Mr. Pool with Mr. McClory.
Mr. Rees with Mr. Horton.
Mr. Baring with Mr. Smith of California.
Mr. Jones of North Carolina with Mr. Mathias.
Mr. Abernethy with Mr. Teague of California.
Mr. Davis of Georgia with Mr. Mailliard.
Mr. Willis with Mrs. Hansen of Washington.
Mr. Passman with Mr. Hagan of Georgia.
Mr. Greigg with Mr. William D. Ford.
Mr. Fisher with Mr. Flynt.
Mr. Farnsley with Mr. Todd.
Mr. Thompson of Texas with Mr. Farnum.
Mr. Cabell with Mr. Ashley.
Mr. Toll with McMillan.
Mr. Murray with Mr. Landrum.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

FLORENCE AGREEMENT IMPLEMENTATION LEGISLATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Indiana [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up the resolution (H. Res. 1004) providing for the consideration of the bill (H.R. 8664) to implement the Agreement on Importation of Educational, Scientific, and Cultural Materials, opened for signature at Lake Success on November 22, 1950, and for other purposes, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1004

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8864) to implement the Agreement on the Importation of Educational, Scientific, and Cultural Materials, opened for signature at Lake Success on November 22, 1950, and for other purposes, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment. It shall be in order to consider without the intervention of any point of order the amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill. No other amendment to the bill or committee amendment in the nature of a substitute shall be in order except amendments offered by the direction of the Committee on Ways and Means, and said amendments shall be in order, any rule of the House to the contrary notwithstanding, but such amendments shall not be subject to amendment. At the conclusion of such consideration the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. MADDEN. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee.

Mr. Speaker, House Resolution 1004 provides a closed rule, waiving points of

order, with 2 hours of general debate for consideration of H.R. 8664, a bill to implement the Agreement on the Importation of Educational, Scientific, and Cultural Materials, opened for signature at Lake Success on November 22, 1950, and for other purposes.

The purpose of H.R. 8664 is to implement the Agreement on the Importation of Educational, Scientific, and Cultural Materials, commonly referred to as the Florence agreement.

The Florence agreement is an international agreement, sponsored by UNESCO, which was opened for signature on November 22, 1950. The agreement is designed to facilitate the free flow of educational, scientific, and cultural materials by the removal of barriers that impede the international movement of such materials.

The agreement provides for the accomplishment of its purposes through provision for the duty-free importation of educational, scientific, and cultural materials. H.R. 8664, through amendment of the tariff schedules of the United States, would permit, with certain procedural safeguards, the duty-free treatment envisaged by the agreement to the extent that the materials provided for therein are not already free of duty under the existing provisions of the schedules.

Mr. Speaker, I urge the adoption of House Resolution 1004 in order that H.R. 8664 may be considered.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. I yield to the gentleman from Missouri.

Mr. HALL. Could the distinguished gentleman from Indiana, who is cochairman of the Joint Committee on the Reorganization of Congress, tell me why it is necessary for the House to consider this treaty and why it is not handled in the manner provided in the Constitution, that is, by the executive branch of the Government with the advice and consent of the Senate?

Mr. MILLS. Mr. Speaker, will the gentleman yield to me?

Mr. MADDEN. I yield to the gentleman from Arkansas.

Mr. MILLS. This did proceed through the ordinary procedures and channels that a treaty goes through in that it was submitted to the Senate as a treaty. The Senate did give its advice and consent to the treaty, as I recall, sometime in 1960. However, it has been impossible for the United States to put into effect the provisions of the treaty that we agreed to, with the advice and consent of the Senate, without this implementing legislation in the field of tariff classification and duties.

Mr. HALL. Mr. Speaker, I thank the gentleman.

Will the distinguished gentleman from Indiana yield further?

Mr. MADDEN. I yield to the gentleman from Missouri.

Mr. HALL. I would again make my inquiry as to whether or not points of order referred to in line 8, page 1, of House Resolution 1004, and again on lines 2 and 3, page 2, are waived for the same reason; namely, to avoid reprinting of the pertinent parts under the Ramseyer rule of the House, or whether there are other reasons under the rule for waiving points of order in this particular legislation, H.R. 8664.

Mr. MILLS. Mr. Speaker, will the gentleman from Indiana yield?

Mr. MADDEN. I yield to the gentleman from Arkansas.

Mr. MILLS. The gentleman from Missouri is correct in his statement that the waiver of points of order has to do solely because complete compliance with the Ramseyer rule might require the publication of the entire Tariff Schedules of the United States in the report. There is nothing within the bill itself nor the amendment in the form of a substitute that would be subject to a point of order under the rules of the House.

Mr. HALL. Will the gentleman advise the House as to whether or not the amendment in the nature of a substitute is open under the 5-minute rule or there will be the right of amendment, or is that precluded as in the last bill?

Mr. MILLS. That is precluded as in the last bill.

Mr. HALL. I thank the gentleman.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume, and ask unanimous consent to revise and extend my remarks.

Mr. Speaker, as the gentleman from Indiana has stated, House Resolution 1004 makes in order the consideration of H.R. 8664 under a closed rule which also waives all points of order. Two hours of general debate are provided against H.R. 8664, which is a committee substitute recommended by the Committee on Ways and Means. As I have said, the rule is a closed one, which provides that no amendment may be offered except by direction of the Committee on Ways and Means, and that any such amendment so offered shall be in order.

It should be noted that the rule waives points of order against the bill, H.R. 8664, amending the Tariff Act of 1930, as amended, and the chapter of title 28 of the United States Code that deals with the Court of Customs and Patent Appeals.

In order to avoid the necessity of printing the entire text of title 28 and the entire text of the Tariff Act of 1930, as amended, the Rules Committee has waived points of order. Those portions of the existing law, which are amended, are printed and the amendments shown in order to comply with the Ramseyer rule.

Mr. Speaker, on November 22, 1950, the Florence agreement was signed. The purpose of this agreement, which is an international one sponsored by UNESCO, is to promote "the free exchange of ideas and knowledge and, in general, the widest possible dissemination of the diverse forms of self-expression."

To further these aims, the Florence agreement seeks to facilitate the free flow of educational, cultural, and scientific material. Parties to the agreement are required to accord duty free entrance for these types of educational, scientific, and cultural materials into their countries. The agreement does not affect U.S. laws or regulations relating to copyright, trademarks, or patents.

To date, 50 countries have become parties to the Florence agreement. The purpose of H.R. 8664 is to enable the United States to become a signatory. The bill was reported unanimously by the Committee on Ways and Means. In its report, the committee points out that many of the articles for which duty-free treatment is provided under the agreement are presently duty free under U.S. tariff schedules. Examples of such presently duty-free items covered by the Florence agreement are books in foreign languages, original paintings and sculptures, certain antiques, articles for the blind, and articles for specific cultural and scientific exhibitions.

Mr. Speaker, I know of no opposition to the rule. I have no further requests for time, and I reserve the balance of my time.

Mr. MADDEN. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ASHBROOK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 241, nays 7, not voting 184, as follows:

[Roll No. 276]

YEAS—241

Abbitt	Cohelan	Hamilton
Adams	Collier	Hansen, Iowa
Anderson, Ill.	Conable	Hardy
Andrews, George W.	Conte	Harsha
	Cramer	Harvey, Ind.
Andrews, N. Dak.	Curtis	Harvey, Mich.
	Dague	Hathaway
Arends	Davis, Wis.	Hays
Ashmore	Dawson	Hechler
Ayres	de la Garza	Henderson
Beckworth	Dent	Herlong
Belcher	Denton	Holifield
Bell	Derwinski	Holland
Bennett	Devine	Horton
Betts	Dingell	Hosmer
Bingham	Dole	Hull
Blatnik	Dow	Hungate
Boggs	Dowdy	Hutchinson
Bolton	Downing	Jacobs
Bow	Dulski	Jarman
Brademas	Duncan, Tenn	Jennings
Bray	Dyal	Joelson
Brock	Edwards, Ala.	Johnson, Calif.
Brooks	Edwards, Calif.	Johnson, Okla.
Brown, Clarence J., Jr.	Edwards, La.	Johnson, Pa.
	Ellsworth	Jonas
Broyhill, N.C.	Everett	Jones, Ala.
Broyhill, Va.	Evins, Tenn.	Karsten
Burke	Fascell	Kastenmeier
Burleson	Findley	Kee
Burton, Calif.	Foley	King, Calif.
Burton, Utah	Ford, Gerald R.	Kirwan
Byrnes, Wis.	Fountain	Kluczynski
Cabell	Fraser	Kornegay
Callan	Fuqua	Kunkel
Cameron	Gathings	Laird
Carter	Gibbons	Langen
Casey	Gilbert	Latta
Cederberg	Gonzalez	Lennon
Chamberlain	Goodell	Lipscomb
Chelf	Gray	Long, La.
Clancy	Green, Pa.	Long, Md.
Clark	Grider	Love
Clausen, Don H.	Griffiths	McClory
	Gubser	McDade
Clawson, Del	Haley	McFall
Clevenger	Halpern	McGrath

Mackie
Madden
Mahon
Mailliard
Marsh
Martin, Nebr.
Matsunaga
Matthews
Meeds
Mills
Mink
Minshall
Mize
Monagan
Moore
Morgan
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
O'Brien
O'Hara, Ill.
O'Hara, Mich.
O'Neal, Ga.
Ottinger
Patman
Patten
Perkins
Pike
Pirnie
Poage
Poff
Price
Quie
Quillen
Randall
Redlin
Reid, Ill.
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Rivers, S.C.
Rivers, Alaska
Roberts
Robison
Rogers, Colo.
Rogers, Fla.
Rogers, Tex.
Rooney, N.Y.
Rosenthal
Roudebush
Roush
Roybal
Rumsfeld
Ryan
Satterfield
Scheuer
Schisler
Schmidhauser
Schneebeli
Schweiker
Scott
Selden
Shipley
Shriver
Sikes
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, Va.
Springer
Stafford
Staggers
Stanton
Stubblefield
Sullivan
Taylor
Teague, Calif.
Teague, Tex.
Tenzer
Thomson, Wis.
Trimble
Tuck
Tupper
Ullman
Vanik
Vivian
Waggonner
Waldie
Watkins
Watts
White, Tex.
Whitener
Whitten
Williams
Wright
Wyatt
Yates
Young
Younger

NAYS—7

Ashbrook
Buchanan
Gross
Hall
Secrest
Utt
Watson

NOT VOTING—184

Abernethy
Adair
Addabbo
Albert
Anderson, Tenn.
Andrews, Glenn
Annunzio
Ashley
Aspinall
Bandstra
Baring
Barrett
Bates
Battin
Berry
Boland
Bolling
Broomfield
Brown, Calif.
Byrne, Pa.
Cahill
Callaway
Carey
Celler
Cleveland
Colmer
Conyers
Cooley
Corbett
Corman
Craley
Culver
Cunningham
Curtin
Daddario
Daniels
Davis, Ga.
Delaney
Dickinson
Diggs
Donohue
Dorn
Duncan, Oreg.
Dwyer
Edmondson
Erlenborn
Evans, Colo.
Fallon
Farbstein
Farnsley
Farnum
Feighan
Fino
Fisher
Flood
Flynt
Fogarty
Ford, William D.
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Gallagher
Garmatz
Gettys
Giaimo
Gilligan
Grabowski
Green, Oreg.
Greigg
Grover
Gurney
Hagan, Ga.
Hagen, Calif.
Halleck
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Hawkins
Hébert
Helstoski
Hicks
Howard
Huot
Ichord
Irwin
Jones, Mo.
Jones, N.C.
Karth
Keith
Kelly
Keogh
King, N.Y.
King, Utah
Krebs
Kupferman
Landrum
Leggett
McCarthy
McCulloch
McDowell
McEwen
McMillan
McVicker
Macdonald
MacGregor
Machen
Mackay
Martin, Ala.
Martin, Mass.
Mathias
May
Michel
Miller
Minish
Moeller
Moorhead
Morris
Morrison
Morse
Morton
Murray
Nix
O'Konski
Olsen, Mont.
Olson, Minn.
O'Neill, Mass.
Passman
Pelly
Pepper
Philbin
Pickle
Pool
Powell
Pucinski
Purcell
Race
Rees
Reid, N.Y.
Reifel
Reinecke
Resnick
Rodino
Ronan
Roncalio
Rooney, Pa.
Rostenkowski
St Germain
St. Onge
Saylor
Senner
Sickles
Sisk
Smith, N.Y.
Stalbaum
Steed
Stephens
Stratton
Sweeney
Talcott
Thomas
Thompson, N.J.
Thompson, Tex.
Todd
Toll
Tunney
Tuten
Udall
Van Deerlin
Vigorito
Walker, Miss.
Walker, N. Mex.
Weltner
Whalley
White, Idaho
Widnall
Willis
Wilson, Bob
Wilson, Charles H.
Wolff
Wydler
Zablocki

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Keogh with Mr. King of New York.
Mr. Hébert with Mrs. Dwyer.
Mr. Garmatz with Mr. Saylor.
Mr. O'Neill of Massachusetts with Mr. Martin of Massachusetts.
Mr. Zablocki with Mrs. May.
Mr. Wolff with Mr. O'Konski.
Mr. Delaney with Mr. Reid of New York.
Mr. Sweeney with Mr. Reinecke.
Mr. Sickles with Mr. McCulloch.
Mr. Rooney of Pennsylvania with Mr. Halleck.
Mr. Daniels with Mr. Fulton of Pennsylvania.
Mr. Rodino with Mr. Fino.
Mr. Minish with Mr. Curtin.
Mr. Helstoski with Mr. Whalley.
Mr. Friedel with Mr. Cahill.
Mr. Gallagher with Mr. Wydler.
Mr. Morris with Mr. Widnall.
Mr. Pickle with Mr. Pelly.
Mr. Gilligan with Mr. Morse.
Mr. Leggett with Mr. Berry.
Mr. Howard with Mr. Callaway.
Mr. Barrett with Mr. Gurney.
Mr. Addabbo with Mr. Walker of Mississippi.
Mr. Aspinall with Mr. Bates.
Mr. Byrne of Pennsylvania with Mr. Talcott.
Mr. Albert with Mr. Adair.
Mrs. Kelly with Mr. Reifel.
Mr. Moeller with Mr. Smith of New York.
Mr. Fallon with Mr. Michel.
Mr. Edmondson with Mr. Hansen of Idaho.
Mr. Fulton of Tennessee with Mr. Cleveland.
Mr. Farbstein with Mr. Broomfield.
Mr. Grabowski with Mr. Keith.
Mr. Walker of New Mexico with Mr. Frelinghuysen.
Mr. Van Deerlin with Mr. Erlenborn.
Mr. Stratton with Mr. Dickinson.
Mr. Moorhead with Mr. Cunningham.
Mr. Macdonald with Mr. Battin.
Mr. White of Idaho with Mr. Morton.
Mr. Donohue with Mr. Martin of Alabama.
Mr. Philbin with Mr. MacGregor.
Mr. Feighan with Mr. Grover.
Mr. Evans of Colorado with Mr. Kupferman.
Mr. Carey with Mr. Glenn Andrews.
Mr. Colmer with Mr. Bob Wilson.
Mr. Celler with Mr. Conyers.
Mr. Bandstra with Mr. Duncan of Oregon.
Mr. Karth with Mr. Culver.
Mr. King of Utah with Mr. Machen.
Mr. St. Onge with Mr. Pepper.
Mr. St Germain with Mr. Powell.
Mr. Annunzio with Mr. Diggs.
Mr. Boland with Mr. Nix.
Mr. Brown of California with Mr. Vigorito.
Mr. Cooley with Mr. Tuten.
Mr. Giaimo with Mr. Stalbaum.
Mr. Daddario with Mr. Hicks.
Mr. McDowell with Mr. Senner.
Mr. Morrison with Mr. Corman.
Mr. Pucinski with Mr. Dorn.
Mr. Resnick with Mr. Stephens.
Mr. Krebs with Mr. Sisk.
Mr. Olsen of Montana with Mr. McVicker.
Mr. Weltner with Mr. Olson of Minnesota.
Mrs. Thomas with Mr. Hagen of California.
Mr. Roncalio with Mr. Hanley.
Mr. Rostenkowski with Mrs. Green of Oregon.
Mr. Ronan with Mr. Gettys.
Mr. Craley with Mr. Purcell.
Mr. Huot with Mr. Mackay.
Mr. Irwin with Mr. Tunney.
Mr. Ichord with Mr. Udall.
Mr. Baring with Mr. Ashley.
Mr. Steed with Mr. Thompson of New Jersey.
Mr. McCarthy with Mr. Corbett.
Mr. Todd with Mr. Mathias.
Mr. Thompson of Texas with Mr. McEwen.
Mr. Abernethy with Mr. Davis of Georgia.
Mr. Farnsley with Mr. Flood.
Mr. Farnum with Mr. Flynt.
Mr. Jones of North Carolina with Mr. Anderson of Tennessee.
Mr. Fogarty with Mr. William D. Ford.
Mr. Hagan of Georgia with Mr. Hanna.
Mrs. Hansen of Washington with Mr. Passman.
Mr. Greigg with Mr. Murray.
Mr. Pool with Mr. Race.
Mr. Rees with Mr. Gonzalez.
Mr. Charles H. Wilson with Mr. Willis.
Mr. Toll with Mr. Hawkins.
Mr. Fisher with Mr. Miller.
Mr. Landrum with Mr. McMillan.

Mr. CABELL changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

THE CHAMIZAL MEMORIAL HIGHWAY

Mr. YOUNG. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 976 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 976

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11555) to provide a border highway along the United States bank of the Rio Grande River in connection with the settlement of the Chamizal boundary dispute between the United States and Mexico. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. YOUNG. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may require.

Mr. Speaker, House Resolution 976 provides an open rule with 1 hour of general debate for consideration of H.R. 11555, a bill to provide a border highway along the U.S. bank of the Rio Grande in connection with the settlement of the Chamizal boundary dispute between the United States and Mexico.

The Chamizal Treaty, ratified on January 14, 1964, peacefully settled a 100-year-old dispute between Mexico and the United States over the sovereignty of a several-hundred-acre tract known as the Chamizal, which was formed north of the present channel of the Rio Grande in El Paso, Tex., by movement of the river southward in 1864–67. That treaty provides that approximately 630 acres of land in southerly downtown El Paso be transferred to Mexico and 193 acres of land under Mexican jurisdiction be transferred to the United States.

The treaty provides for the relocation of the Rio Grande channel, relocation within the Chamizal section of the irrigation canal, and compensating occupants of the lands involved in the transfer. These efforts are already underway. Additional aspects of the development include the Chamizal National Memorial, which has already been approved by the Congress, a parallel relocation of the American irrigation canal, and the construction of the Chamizal Memorial Highway. While these developments are not included in the treaty itself, they have been an integral part of the negotiations with the city of El Paso.

The proposed highway will provide a four-lane, limited-access facility along El Paso's riverfront, extending through the city for approximately 12.5 miles from the beginning of the rectified channel to the point of intersection with the international highway crossing the Rio Grande on the Zaragosa Bridge.

The proposed design of the highway has been fully coordinated with the State of Texas, the city of El Paso, the International Boundary and Water Commission, and the National Park Service to insure harmony with the related developments in the area.

H.R. 11555 provides for the acquisition of rights-of-way for this highway by the same agency and on the same basis authorized for the acquisition of lands required for the settlement of the Chamizal dispute.

The estimated cost of the proposed highway is $12 million, and this includes the necessary land acquisition as well as appropriate interchanges and traffic signs, signals, and lighting.

Mr. Speaker, I urge the adoption of House Resolution 976 in order that H.R. 11555 may be considered.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from Texas has ably explained, House Resolution 976 makes in order the consideration of H.R. 11555 under an open rule with 1 hour general debate.

The purpose of the bill is to authorize $12 million for the acquisition of the right-of-way and the construction of a four-lane, limited-access highway along the El Paso riverfront. It will extend through the city for about 12.5 miles, from the beginning of the corrected Rio Grande channel to an intersection with the international highway crossing of the river over the Zaragosa Bridge.

The Chamizal Treaty, ratified on January 14, 1964, settled a boundary dispute between Mexico and the United States caused by the southward movement of the channel of the Rio Grande in 1864–67. The treaty provides for the relocation of the channel and the transfer of some 630 acres to Mexico and of 193 acres to the United States. The transfers have been made and the relocation work is progressing. The Chamizal Memorial Highway is to be part of the relocation-beautification projects being undertaken on both sides of the boundary.

The bill provides that the same agency which acquired lands necessary for the transfer will acquire the highway right-of-way and the highway will not be a part of the Interstate System; all title and interest of the Government is to be transferred to the State of Texas or the city of El Paso. Twelve million dollars in Federal funds are authorized by the bill for the project. This is the entire Federal cost.

There are no minority views.

Let me state frankly that this bill has previously been on the suspension calendar, but did not receive the two-thirds majority necessary to pass.

I have no further requests for time but reserve the balance of my time.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I am glad the gentleman mentioned the fact that this bill was originally called up under suspension of rules and failed to pass.

However, as I understood the gentleman's remarks, he said that the cost to the Federal Government of this enterprise at El Paso is $12 million. I do not believe the gentleman mentioned the $40 to $45 million that was previously authorized, and perhaps this was an oversight. At that time the $40 to $45 million was supposed to be the total cost of this deal.

I am more than a little surprised this bill comes back to us today, in view of the President's message to Congress of last Thursday, urging prudence and economy and saying that he will cut agriculture and various other appropriations. Yes, I am surprised a bill of this kind would be brought back in view of the Presidential message.

Moreover, I had no information when the Chamizal agreement was made, that an expenditure of $12 million would be made for a road. I find no evidence anywhere that there was any understanding as between Congress and the city of El Paso, Tex., that there was to be subsequent expenditure of $12 million. Did the gentleman have any information before his committee as to that understanding?

Mr. QUILLEN. I agree with my good friend, the gentleman from Iowa, when the treaty was originally adopted or made between the two countries, there was no mention of this highway, as I recall. However, in the presentation to the Rules Committee it was stated that the Government of Mexico and the Government of the United States by construction of such a highway would improve relations between the two countries.

Mr. GROSS. If the gentleman will yield further, that is just lovely, the improvement of relations with Mexico, but I think Congress ought to be taken in on the takeoffs as well as the crash landings. Here is just another instance of where Congress apparently was left out in the cold with respect to the subsequent expenditure of $12 million as a condition of a treaty engineered by the White House and State Department.

Mr. CURTIS. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. I yield to the gentleman from Missouri.

Mr. CURTIS. Mr. Speaker, in regard to what the gentleman from Iowa was pointing out, I was just checking to find out whether this item is budgeted. Apparently it is not budgeted. For the life of me, I cannot understand bringing up unbudgeted items for consideration, as the gentleman from Iowa is pointing out, with the serious situation that we are in fiscally and with the rebuke the President—I think unfairly—has rendered the Congress—for voting things that are not budgeted. Surely we all should exercise more discipline and, if the President believes this bill is an item that ought to go in the budget over some other things, then let him say it first. Certainly let us not, without good reason, give this a higher priority over things that the President has put in the budget. I do hope that this rule will be voted down.

Mr. QUILLEN. Mr. Speaker, I have no further requests for time.

Mr. YOUNG. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 202, nays 48, not voting 182, as follows:

[Roll No. 277]

YEAS—202

Abbitt	Cramer	Herlong
Adams	de la Garza	Holland
Anderson, Ill.	Dent	Horton
Anderson, Tenn.	Denton	Hull
	Derwinski	Hungate
Andrews, George W.	Dingell	Jacobs
	Dole	Jarman
Andrews, N. Dak.	Dow	Jennings
	Dowdy	Joelson
Ashley	Downing	Johnson, Calif.
Ashmore	Dulski	Johnson, Okla.
Ayres	Dyal	Jonas
Beckworth	Edwards, Calif.	Jones, Ala.
Bell	Edwards, La.	Karsten
Bingham	Everett	Kastenmeier
Blatnik	Fascell	Kee
Boggs	Flood	King, Calif.
Bolton	Foley	Kirwan
Brademas	Fountain	Kluczynski
Brooks	Fraser	Kornegay
Brown, Clarence J., Jr.	Fuqua	Kunkel
	Gathings	Laird
Broyhill, Va.	Gibbons	Lennon
Burke	Gonzalez	Lipscomb
Burleson	Goodell	Long, La.
Burton, Utah	Gray	Long, Md.
Cabell	Green, Pa.	Love
Cameron	Grider	McCarthy
Carter	Griffiths	McDade
Casey	Gubser	McEwen
Chelf	Halpern	McFall
Clancy	Hamilton	Mackie
Clark	Hansen, Iowa	Madden
Clausen, Don H.	Hardy	Mahon
	Harsha	Mailliard
Clawson, Del	Harvey, Ind.	Marsh
Clevenger	Hathaway	Martin, Nebr.
Cohelan	Hays	Matsunaga
Conable	Hechler	Matthews
Conte	Henderson	Meeds

Miller	Reuss	Stafford
Mills	Rhodes, Ariz.	Staggers
Mink	Rhodes, Pa.	Stalbaum
Mize	Rivers, Alaska	Stubblefield
Monagan	Roberts	Sullivan
Morgan	Robison	Taylor
Mosher	Rogers, Colo.	Teague, Calif.
Moss	Rogers, Fla.	Teague, Tex.
Multer	Rogers, Tex.	Tenzer
Murphy, Ill.	Rooney, N.Y.	Trimble
Murphy, N.Y.	Rosenthal	Tuck
Natcher	Roush	Tupper
Nedzi	Roybal	Ullman
O'Brien	Ryan	Vanik
O'Hara, Ill.	Satterfield	Vivian
O'Hara, Mich.	Scheuer	Waggonner
O'Neal, Ga.	Schisler	Waldie
Ottinger	Schmidhauser	Watkins
Patman	Schweiker	Watson
Patten	Scott	Watts
Perkins	Selden	White, Tex.
Pirnie	Shriver	Whitener
Poage	Sikes	Whitten
Poff	Skubitz	Wilson, Bob
Price	Slack	Wright
Quillen	Smith, Calif.	Wyatt
Randall	Smith, Iowa	Yates
Redlin	Smith, Va.	Young
Reid, Ill.	Springer	Younger

NAYS—48

Arends	Dague	Langen
Ashbrook	Davis, Wis.	Latta
Belcher	Devine	McGrath
Bennett	Duncan, Tenn.	Minshall
Betts	Edwards, Ala.	Moore
Bow	Ellsworth	Nelsen
Bray	Findley	Pike
Brock	Ford, Gerald R.	Roudebush
Broyhill, N.C.	Gross	Rumsfeld
Buchanan	Haley	Schneebeli
Burton, Calif.	Hall	Secrest
Byrnes, Wis.	Harvey, Mich.	Shipley
Cederberg	Hawkins	Stanton
Collier	Hosmer	Thomson, Wis.
Corbett	Hutchinson	Utt
Curtis	Johnson, Pa.	Williams

NOT VOTING—182

Abernethy	Flynt	Martin, Mass.
Adair	Fogarty	Mathias
Addabbo	Ford, William D.	May
Albert	Frelinghuysen	Michel
Andrews, Glenn	Friedel	Minish
Annunzio	Fulton, Pa.	Moeller
Aspinall	Fulton, Tenn.	Moorhead
Bandstra	Gallagher	Morris
Baring	Garmatz	Morrison
Barrett	Gettys	Morse
Bates	Giaimo	Morton
Battin	Gilbert	Murray
Berry	Gilligan	Nix
Boland	Grabowski	O'Konski
Bolling	Green, Oreg.	Olsen, Mont.
Broomfield	Greigg	Olson, Minn.
Brown, Calif.	Grover	O'Neill, Mass.
Byrne, Pa.	Gurney	Passman
Cahill	Hagan, Ga.	Pelly
Callan	Hagen, Calif.	Pepper
Callaway	Halleck	Philbin
Carey	Hanley	Pickle
Celler	Hanna	Pool
Chamberlain	Hansen, Idaho	Powell
Cleveland	Hansen, Wash.	Pucinski
Colmer	Hébert	Purcell
Conyers	Helstoski	Quie
Cooley	Hicks	Race
Corman	Holifield	Rees
Craley	Howard	Reid, N.Y.
Culver	Huot	Reifel
Cunningham	Ichord	Reinecke
Curtin	Irwin	Resnick
Daddario	Jones, Mo.	Rivers, S.C.
Daniels	Jones, N.C.	Rodino
Davis, Ga.	Karth	Ronan
Dawson	Keith	Roncalio
Delaney	Kelly	Rooney, Pa.
Dickinson	Keogh	Rostenkowski
Diggs	King, N.Y.	St Germain
Donohue	King, Utah	St. Onge
Dorn	Krebs	Saylor
Duncan, Oreg.	Kupferman	Senner
Dwyer	Landrum	Sickles
Edmondson	Leggett	Sisk
Erlenborn	McClory	Smith, N.Y.
Evans, Colo.	McCulloch	Steed
Evins, Tenn.	McDowell	Stephens
Fallon	McMillan	Stratton
Farbstein	McVicker	Sweeney
Farnsley	Macdonald	Talcott
Farnum	MacGregor	Thomas
Feighan	Machen	Thompson, N.J.
Fino	Mackay	Thompson, Tex.
Fisher	Martin, Ala.	Todd
		Toll

Tunney	Walker, N. Mex.	Wilson, Charles H.
Tuten	Weltner	Wolff
Udall	Whalley	Wydler
Van Deerlin	White, Idaho	Zablocki
Vigorito	Widnall	
Walker, Miss.	Willis	

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Keogh with Mr. King of New York.
Mr. Hébert with Mrs. Dwyer.
Mr. Garmatz with Mr. Saylor.
Mr. O'Neill of Massachusetts with Mr. Martin of Massachusetts.
Mr. Zablocki with Mrs. May.
Mr. Wolff with Mr. O'Konski.
Mr. Delaney with Mr. Reid of New York.
Mr. Sweeney with Mr. Reinecke.
Mr. Sickles with Mr. McCulloch.
Mr. Rooney of Pennsylvania with Mr. Halleck.
Mr. Daniels with Mr. Fulton of Pennsylvania.
Mr. Rodino with Mr. Fino.
Mr. Minish with Mr. Curtin.
Mr. Helstoski with Mr. Whalley.
Mr. Friedel with Mr. Cahill.
Mr. Gallagher with Mr. Wydler.
Mr. Morris with Mr. Widnall.
Mr. Pickle with Mr. Pelly.
Mr. Gilligan with Mr. Morse.
Mr. Leggett with Mr. Berry.
Mr. Howard with Mr. Callaway.
Mr. Barrett with Mr. Gurney.
Mr. Addabbo with Mr. Walker of Mississippi.
Mr. Aspinall with Mr. Bates.
Mr. Byrne of Pennsylvania with Mr. Talcott.
Mr. Albert with Mr. Adair.
Mrs. Kelly with Mr. Reifel.
Mr. Moeller with Mr. Smith of New York.
Mr. Fallon with Mr. Michel.
Mr. Edmondson with Mr. Hansen of Idaho.
Mr. Fulton of Tennessee with Mr. Cleveland.
Mr. Farbstein with Mr. Broomfield.
Mr. Grabowski with Mr. Keith.
Mr. Walker of New Mexico with Mr. Frelinghuysen.
Mr. Van Deerlin with Mr. Erlenborn.
Mr. Stratton with Mr. Dickinson.
Mr. Moorhead with Mr. Cunningham.
Mr. Macdonald with Mr. Battin.
Mr. White of Idaho with Mr. Morton.
Mr. Donohue with Mr. Martin of Alabama.
Mr. Philbin with Mr. MacGregor.
Mr. Feighan with Mr. Grover.
Mr. Evans of Colorado with Mr. Kupferman.
Mr. Carey with Mr. Glenn Andrews.
Mr. Colmer with Mr. Chamberlain.
Mr. Celler with Mr. Conyers.
Mr. Bandstra with Mr. Duncan of Oregon.
Mr. Karth with Mr. Culver.
Mr. King of Utah with Mr. Machen.
Mr. St. Onge with Mr. Pepper.
Mr. St Germain with Mr. Powell.
Mr. Annunzio with Mr. Diggs.
Mr. Boland with Mr. Nix.
Mr. Brown of California with Mr. Vigorito.
Mr. Cooley with Mr. Tuten.
Mr. Giaimo with Mr. Quie.
Mr. Daddario with Mr. Hicks.
Mr. McDowell with Mr. Senner.
Mr. Morrison with Mr. Corman.
Mr. Pucinski with Mr. Dorn.
Mr. Resnick with Mr. Stephens.
Mr. Krebs with Mr. Sisk.
Mr. Olsen of Montana with Mr. McVicker.
Mr. Weltner with Mr. Olson of Minnesota.
Mrs. Thomas with Mr. Hagen of California.
Mr. Roncalio with Mr. Hanley.
Mr. Rostenkowski with Mrs. Green of Oregon.
Mr. Ronan with Mr. Gettys.
Mr. Craley with Mr. Purcell.
Mr. Huot with Mr. Mackay.
Mr. Irwin with Mr. Tunney.
Mr. Ichord with Mr. Udall.
Mr. Fogarty with Mr. McClory.
Mr. Passman with Mr. Rees.
Mr. Rivers of South Carolina with Mrs. Hansen of Washington.
Mr. Hagan of Georgia with Mr. Greigg.
Mr. Gilbert with Mr. Murray.
Mr. Fisher with Mr. Farnum.
Mr. Evins of Tennessee with Mr. Farnsley.
Mr. Hanna with Mr. William D. Ford.
Mr. Race with Mr. Flynt.
Mr. McMillan with Mr. Jones of North Carolina.
Mr. Callan with Mr. Baring.
Mr. Abernethy with Mr. Holifield.
Mr. Willis with Mr. Charles H. Wilson.
Mr. Thompson of New Jersey with Mr. Toll.
Mr. Steed with Mr. Todd.
Mr. Thompson of Texas with Mr. Landrum.
Mr. Pool with Mr. Davis of Georgia.
Mr. Dawson with Mr. Mathias.

Mr. BYRNES of Wisconsin changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

BEIRUT AGREEMENT IMPLEMENTATION LEGISLATION

Mr. MILLS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the House joint resolution (H.J. Res. 688) to give effect to the Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific, and Cultural Character, approved at Beirut in 1948.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arkansas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the House joint resolution (H.J. Res. 688), with Mr. MONAGAN in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Arkansas [Mr. MILLS] will be recognized for 1 hour, and the gentleman from Missouri [Mr. CURTIS] will be recognized for 1 hour.

The Chair recognizes the gentleman from Arkansas.

Mr. MILLS. Mr. Chairman, I yield myself 7 minutes.

Mr. Chairman, the purpose of House Joint Resolution 688 is to implement the Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific, and Cultural Character—commonly known as the Beirut agreement.

The resolution would authorize the President to designate a Federal agency or agencies to assume the responsibility of carrying out the provisions of the agreement and would add new provisions to the Tariff Schedules of the United States to permit duty-free treatment for articles that are determined by such agency or agencies to be visual or auditory materials of an educational, scientific, or cultural character within the meaning of the agreement.

The visual and auditory articles, which would be permitted to enter free of duty under the conditions and limitations specified in the resolution, are developed photographic film, including motion picture film on which pictures or sound and pictures have been recorded; photographic slides; transparencies; sound recordings; recorded video tape; models, charts; maps; globes; and posters.

Mr. Chairman, the Beirut agreement on audiovisual materials, which would be implemented by the pending resolution, was proposed by the U.S. delegation to the General Conference of the United Nations Educational, Scientific, and Cultural Organization—UNESCO—at its third session in Beirut, Lebanon, in 1948. At the present time this agreement is formally operational in 17 countries. The U.S. Senate gave advice and consent to ratification of the Beirut agreement on May 26, 1960.

Deposit of ratification has been withheld pending enactment of this implementing legislation. Upon enactment of House Joint Resolution 688, it is expected that the instrument of ratification will be deposited with the United Nations.

Mr. Chairman, the resolution, as reported by the Committee on Ways and Means, carries an amendment to section 3(a) thereof. The language added by the committee provides that whenever the President determines that there is or may be profitmaking exhibition or use of the articles entered under the agreement which interferes significantly—or threatens to interfere significantly—with domestic production of similar articles, he may prescribe regulations imposing restrictions on the entry of such foreign articles to insure that they will be exhibited or used only for nonprofitmaking purposes.

This language is consistent with paragraph 5 of article IV of the agreement which permits the issuance of such regulations by the contracting states.

The Committee on Ways and Means received no expression of opposition to any of the provisions of this legislation in the public hearings held on June 6 and 7 of this year or during the time that it has been pending in the committee. The interested Federal agencies, including the Departments of State, Treasury, Commerce, Interior, and Labor, have furnished the committee with favorable reports on the measure.

Mr. Chairman, the United States produces more educational audiovisual materials than all other countries combined and is the world's major exporter of such materials. The Committee on Ways and Means believes that full participation of the United States in the agreement would increase mutual understanding between the people of our country and those of other nations, and is unanimous in recommending enactment of House Joint Resolution 688.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I wonder why the committee did not write in a stipulation to do by law what is left discretionary with the President of the United States. Why did the committee make this discretionary with the President?

Mr. MILLS. Mr. Chairman, at least I had the thought in mind that we might do that the way that I believe the gentleman is indicating. I was assured, however, by those with whom I was discussing the matter that there was no question about the desire that if these materials come into the United States and are used in a profitmaking manner which interferes significantly or threatens to interfere significantly with domestic production, then there should be authority to impose restrictions on the entry of such articles—whether we said that it had to be done, or left it to the discretion of the President.

Will the gentleman look at the committee's report, where we discussed the committee amendments?

I think you will find that this language we added is completely within the provisions of the agreement, article IV, paragraph 5, where it says that regulations may be imposed to insure that the articles covered shall only be exhibited or used for nonprofitmaking purposes. It is just a question of judgment as to whether or not stronger language was needed, and I became convinced in my own mind that it was not.

Now, Mr. Chairman, I would like to yield to the gentleman from Missouri [Mr. CURTIS], because I think he shares that point of view.

Mr. CURTIS. I do, and I might say that we actually had no problem presented in this area. The language put in was just in case some problem might develop, but frankly I do not think the problem would.

Mr. MILLS. We had no request even for this language—no request even to go this far—but the committee itself felt it was wise to put it in. Here is the reason why I felt I wanted some language on this: even though the agreement gives the contracting party the right to do this, the question was in my mind as to whether or not the President himself could so act without some directive in the legislation from the Congress itself. So we put in such authority in the resolution.

Mr. GROSS. Will the gentleman yield further?

Mr. MILLS. I will be glad to yield.

Mr. GROSS. I have no quarrel with a restrictive provision. I think the provision is good up to the point where it is left discretionary with the President.

The CHAIRMAN. The time of the gentleman from Arkansas has again expired.

Mr. MILLS. Mr. Chairman, I yield myself 1 additional minute.

I yield further to the gentleman from Iowa.

Mr. GROSS. We have had some unhappy experiences with this delegated, discretionary power, particularly in the field of foreign trade, as the gentleman knows. I can go back to the Battle Act in the matter of foreign aid. Yes, we have had some unhappy experiences, and I do not understand why, if you mean what you say and say what you mean, you did not write this in as a matter of law without giving discretionary power to the President.

Mr. MILLS. I can assure the gentleman that we mean exactly what we are saying.

Mr. GROSS. But you have left it——

Mr. MILLS. If it occurs, he can exercise this authority and restrict imports.

Mr. GROSS. Yes.

Mr. MILLS. That is a part of the agreement itself. This country reserves that right, and all of these countries do. Essentially they reserve the right set forth in the agreement and what we were primarily concerned about here is that the President be in a position legally to carry out that intent.

Mr. CURTIS. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, the chairman of the committee, the gentleman from Arkansas [Mr. MILLS], explained this bill. I think it is a very complete report that we present here. There were hearings on the subject, and all interested departments of Government favored it. As near as we could check everyone who is concerned in this area has been strongly behind this legislation. I just want to emphasize a distinction that the chairman made that this does not relate to commercial items. In fact, this is carved out in an area by itself which has to do with items that are not in competition with each other. This is the nature of these cultural and educational items. I think that the committee has done a careful job in preserving this. I think another point I would like to emphasize is the chairman said this is a two-way street, but certainly the United States is the primary exporter in this area. I have forgotten what the ratio is. It is something in the nature of 10 to 1. I think there is no question but that this is in the long-range interest of the United States. All those on our side of the aisle on the committee were very much in favor of this bill's passing.

Mr. MILLS. Mr. Chairman, will the gentleman yield?

Mr. CURTIS. Yes, I yield.

Mr. MILLS. I think it bears repeating what the gentleman said, and I tried to say: that this is not an agreement to establish an economic relationship and economic development for improvement of the countries contributing to it. It is strictly educational, scientific, and cultural. So long as we are the predominant country in the world supplying this type of material for these purposes, then we certainly have more to gain in the long run than any of the other contracting parties to it.

Mr. CURTIS. I think so, indeed, and I urge acceptance of this legislation.

Mr. BUCHANAN. Mr. Chairman, will the gentleman yield?

Mr. CURTIS. I yield to the gentleman.

Mr. BUCHANAN. I certainly appreciate the fact that the committee has taken this action to provide this protection should such competition arise, in giving the President discretionary authority to act. I would point out to the gentlemen of this distinguished committee, however, the apparent disposition of the present administration in such matters as is in-

dicated in the case of Dahlberg Electronics, Inc., the maker of hearing aids, which had a patent on a small hearing aid which was apparently copied completely by a Spanish firm. These hearing aids are now being imported into the United States. They are, I repeat, exact copies of patented hearing aids invented and being marketed by an American company.

Mr. Chairman, the Tariff Commission ruled unanimously that the imported items here involved were made in accordance with the patent claims and their importation and sale constituted an unfair method of competition within the meaning of section 337 of the Tariff Act of 1930.

However, on the other question the Commission was evidently divided as to the extent of injury to the domestic firm. Consequently, the discretion in such cases is left to the White House as to whether or not action shall be taken, it being in the power of the White House to stop the importation in such cases.

The White House considered that case and ruled against the action, even though we had a product covered by an American patent, produced by an American firm and sold by American distributors all over the country, facing competition, that the Tariff Commission had ruled to be unfair under the Tariff Act.

Mr. CURTIS. I appreciate that contribution by the gentleman from Alabama [Mr. BUCHANAN]. And, I might say that this bill now pending before us would have nothing to do with that particular situation. I know that the gentleman from Alabama [Mr. BUCHANAN] was not talking about that particular point, however, but as an illustration, as I understand it, of what can happen, if the discretionary power rests in the President. On that basis, I believe the gentleman is here making a great contribution.

Mr. BUCHANAN. I thank the gentleman for recognizing this distinction. But the discretionary power is left with the administration. I thought that this would illustrate the fact that I for one feel and have some reservation, along with the gentleman from Iowa [Mr. GROSS], about leaving the discretionary power there.

Mr. CURTIS. I might say that in this particular case I shall personally be interested in following through on that, because as the gentleman stated, it does bear investigation.

The only place where this would appear to come into consideration is where you have an exhibition, and it becomes a question as to whether there might be profitmaking in it.

The CHAIRMAN. The time of the gentleman from Missouri has again expired.

Mr. CURTIS. Mr. Chairman, I yield myself 2 additional minutes.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. CURTIS. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I understand that the Beirut agreement was entered into in 1948.

Mr. CURTIS. That is correct.

Mr. GROSS. But it was not ratified by the other body until 1960?

Mr. CURTIS. That is correct.

Mr. GROSS. What was the reason for the long delay in ratifying the agreement?

Mr. CURTIS. I, myself, wonder, because I believe it would have been well had we moved forward upon both this and the Florence agreement long before now.

Frankly, I believe the countries abroad in this instance have been more than considerate, overly considerate, of the United States for not having moved forward when we were so much in favor of it.

Mr. GROSS. Mr. Chairman, if the gentleman will yield further, President Johnson now urges the speedy approval of this legislation, although there has been a period of 5 to 6 years during which the legislation might have been brought in.

I am curious to know what has transpired here.

Mr. CURTIS. Well, I have wondered myself, I might say to the gentleman from Iowa, but I am just pleased that we are moving now on it.

Mr. MILLS. Mr. Chairman, will the gentleman yield?

Mr. CURTIS. I yield to the gentleman from Arkansas.

Mr. MILLS. I really do not know the answer to the delay between the time that we suggested this agreement and the other body's giving its advice and consent to it.

I can tell the gentleman from Iowa [Mr. GROSS] that there has been tremendous interest expressed to me on numerous occasions by people who are interested in the proposal for us to take action in the House on it.

However, we have had other matters before the Committee on Ways and Means that were of a very pressing nature so that we did not get to this matter any earlier than we did.

In other words, I would like to say that agreements of this sort, even though they have been approved by the other body, are sometimes delayed because we are prone to think of them in terms of whether or not there are provisions within the agreement contrary to our best interests.

The CHAIRMAN. The time of the gentleman from Missouri has again expired.

Mr. CURTIS. Mr. Chairman, I yield myself 2 additional minutes.

Mr. MILLS. Mr. Chairman, in this particular case let me assure my friend, the gentleman from Iowa [Mr. GROSS], that was a part of what I had in my own mind. As a result, we scheduled our public hearings, and as it turned out, no one appeared before the committee in opposition to any part of the bill. Moreover, during all of the period of time that it has been pending before the committee, I do not recall one letter of concern or protest about the Beirut agreement.

Mr. CURTIS. Mr. Chairman, I might say that I think that the delay may have been due in part to the fact that there were no economic public interest groups involved in this—and in this type of legislation it does often require the interest of a particular group to push it. In other words, I do not see any ulterior motive about the fact that there has been this delay. I believe it might have been well to have moved sooner.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. CURTIS. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Chairman, I appreciate my colleague, the gentleman from Missouri [Mr. CURTIS], yielding to me at this time.

Mr. Chairman, I would like to go back to the basic purpose of this particular act and to state that my interest lies in two areas.

Are we completely protected in the deposition of such materials, whether they be cultural, educational, or scientific, with the UNESCO subdivision of the United Nations, by the Atomic Energy Act, or the National Security Act, against a leak from such deposits as to such things as nuclear devices or other things that might be termed scientific, including our delivery means?

Mr. CURTIS. Yes, I am certain we are. Let me ask the gentleman from Arkansas.

Mr. MILLS. Yes, we are. All we are dealing with here and all we are changing is the establishment of a provision for audiovisual materials of an education, scientific, or cultural character, within the meaning of the Beirut agreement, to come into the United States free of the duty that would otherwise be imposed.

It does not in any way affect our security laws and even in the agreement we reserve certain rights with respect to those things that can come into our country as well as reserving our basic statutes that protect us so far as to what can go out of our country.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. CURTIS. I yield to the gentleman.

Mr. HALL. I appreciate that reply, and I do feel reassured about our basic security laws with which, of course, I am vitally interested and in which we have some precedent in giving away such information, as a magnanimous nation.

But let us reverse the process. I understand this has to do with duties being forgiven on things that would come to the United Nations having to do with the types of educational and cultural material and scientific material which will be available to at least those in charge of UNESCO.

Mr. CURTIS. Yes. Let me make another point. Most of this material is not on the duty list anyway. There are just a few items, so that on the bulk of them we would not need implementation. But I am certain our committee has been careful in this area, as we try to be in all these areas of sensitive material, or knowledge, and that we in no way will infringe upon laws that are written to protect against that kind of exportation.

Mr. HALL. If the gentleman will yield further. Let me cite a hypothetical case.

Suppose the motion picture was taken by the USIA for cultural and educational purposes and had been deposited under this agreement without duty, would there be any way under this arrangement or this agreement that the film on the life of one of our former presidents overseas in India could be released for political or cultural or educational or other purposes out of this depository?

Mr. CURTIS. Let me respond by saying that I, myself, am not too versed on these particular laws. I do say that this bill as we present it has no bearing on the laws we have written seeking to deal with that kind of hypothetical situation the gentleman poses. Whether those laws are adequate to do the job the gentleman has in mind, and I think in which I would be in sympathy, I am not an expert on that and the committee has not gone into that.

All I can say and repeat is that we in no way touched this.

Mr. Chairman, I yield to the gentleman from Arkansas.

Mr. MILLS. On the specific point that the gentleman from Missouri makes, I do not know whether we could actually under this language here before us give you a specific answer as to what might transpire, because the country receiving this material has evidently asked for it in the case that you have mentioned. We could send whatever they desired over there.

Now if the country considered that to be scientific, educational, cultural, or one of these three, they might let it go in free of duty.

But bear this in mind because what I was concerned about for a long period of time with respect to it was not what we could send abroad because I assumed that what we sent abroad would be asked for. Certainly, I thought it would be such a type as to lend perhaps credit upon us for sending it across. What I have been concerned about is whether or not we were laying down the bars to something coming here under the guise of an educational or cultural or scientific showing that would not be desirable from at least my own point of view. We are not, however, in anyway, disturbing our right to limit whatever rights we have to restrict imports of that kind of material.

As I recall we had testimony before the committee indicating that we export about $3½ million annually of audiovisual materials of the nature covered by this legislation. As I also recall, the estimates were that the import duties to be forgiven under this legislation would amount to only approximately $20,000 per year.

Mr. HALL. Mr. Chairman, I thank the gentleman, and that is reassuring in a measure. I agree with him 100 percent that the danger is in what might come into the United States from other countries. I wonder, and my real concern is, whether or not we are delegating our authority to this agency of the United Nations with which we are depositing these materials described by all these adjectives, without duty, and releasing them within the United States for political purposes—and I cannot put it any more plainly than that.

Mr. MILLS. No, that is not the case. I might call the gentleman's attention to article V of the agreement which is on page 7 of the report, which reads as follows:

ARTICLE V

Nothing in the present Agreement shall affect the right of the contracting States to censor material in accordance with their own laws or to adopt measures to prohibit or limit the importation of material for reasons of public security or order.

As the gentleman knows, we do have by postal regulation, and I assume, by acts of Congress itself, laws having to do with the control of such material. We will not change those one iota. We are still reserving to Congress the right to provide additional acts if those acts are inadequate.

Mr. HALL. In this instance, the word "States" refers to sovereign nations, I presume?

Mr. MILLS. To sovereign nations.

Mr. HALL. I thank the gentleman for yielding this time. This is reassuring. I think it is important legislative history to show that it is not the intent of the committee nor the intent of the House in the Committee of the Whole on the State of the Union to permit such a device which would undo what we, ourselves, hold up as the will of the House. At least we did so in one instance in the last session of this very Congress, as far as the distribtuion of film among the various States of the Union is concerned.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. CURTIS. Mr. Chairman, I yield myself 2 additional minutes, and I yield to the gentleman from Iowa.

Mr. GROSS. Do I understand correctly that there are 50 nations that are party to this agreement?

Mr. MILLS. Mr. Chairman, will the gentleman from Missouri yield?

Mr. CURTIS. I yield to the gentleman from Arkansas.

Mr. MILLS. There are 17 nations party to this agreement.

Mr. CURTIS. The Florence agreement is the one that has 50.

Mr. MILLS. Mr. Chairman, will the gentleman from Missouri yield further?

Mr. CURTIS. I yield to the gentleman from Arkansas.

Mr. MILLS. These are the small nations of the world. That is one of the reasons why their exports are such a small amount as compared with our exports to them. Those countries are Brazil, Cambodia, Canada, Denmark, El Salvador, Ghana, Greece, Haiti, Iran, Iraq, Malagasy, Norway, Pakistan, Philippines, Syria, Trinidad, and Tobago, Yugoslavia.

Mr. GROSS. There is only one Communist country involved in the Beirut agreement?

Mr. MILLS. The only one that could be classified as such appears to be Yugoslavia.

Mr. GROSS. That is a Communist country.

Mr. MILLS. That is correct.

Mr. GROSS. But that is the only one.

Mr. MILLS. This legislation does not require us to bring in a single film from Yugoslavia that is communistic in nature. That is the point I was trying to make to my friend from Missouri when I referred to other laws and controls.

Mr. BYRNES of Wisconsin. Mr. Chairman, I rise in support of House Joint Resolution 688, which is designed to implement the Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific, and Cultural Character—commonly known as the Beirut agreement. The Beirut agreement, which was proposed to the United Nations Educational, Scientific, and Cultural Organization—UNESCO—in 1948, is formally operational in 17 countries. The Senate ratified the Beirut agreement in 1960, but deposit of ratification has been delayed pending enactment of implementing legislation.

The purpose of the Beirut agreement and the implementing legislation is to promote, through the removal of inhibiting tariffs, the free expansion of ideas expressed through the use of visual or auditory materials. The visual or auditory materials covered are developed photographic film, photographic slides, transparencies, sound recordings, recorded video tape, models, charts, maps, globes, and posters.

The resolution authorizes the President to designate a Federal agency to assume responsibility for carrying out the agreement. The Federal agency designated by the President will be required to determine that articles are visual or auditory material of an educational, scientific, or cultural character within the meaning of the agreement.

The United States is by far the largest producer and exporter of audiovisual materials. By permitting the United States to fully participate in the Beirut agreement, House Joint Resolution 688 would lead to a better understanding of the United States. I recommend favorable action by the House on this measure.

GENERAL LEAVE TO EXTEND

Mr. MILLS. Mr. Chairman, I ask unanimous consent, that all Members desiring to do so may extend their remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. CURTIS. Mr. Chairman, I have no further requests for time.

Mr. MILLS. I have no further requests for time.

The CHAIRMAN pro tempore (Mr. PICKLE). Under the rule, the joint resolution is considered as having been read for amendment. No amendments to the joint resolution are in order except amendments offered by direction of the Committee on Ways and Means.

The joint resolution is as follows:

H.J. RES. 688

Whereas the Congress and the President have repeatedly declared it to be a national policy to promote a better understanding of the United States in other countries, and to increase mutual understanding between the people of the United States and the people of other countries; and

Whereas the General Conference of the United Nations Educational, Scientific, and Cultural Organization of its third session at Beirut, Lebanon, in 1948, approved and recommended to member states for signature an Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific, and Cultural Character, which Agreement has been signed by twenty-one nations, including the United States; and

Whereas the Senate has given its advice and consent to the ratification of the Agreement; and

Whereas the Congress does hereby determine that mutual understanding between peoples will be augmented by the measures provided for in said Agreement: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized to designate a Federal agency or agencies which shall be responsible for carrying out the provisions of the Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific, and Cultural Character and a related protocol of signature, opened for signature at Lake Success on July 15, 1949 (hereinafter in this Act referred to as the "Agreement"). It shall be the duty of the Federal agency or agencies so designated to take appropriate measures for the carrying out of the provisions of the Agreement including the issuance of regulations.

SEC. 2. Agencies of the Federal Government are authorized to furnish facilities and personnel for the purpose of assisting the agency or agencies designated by the President in carrying out the provisions of the Agreement.

SEC. 3. (3) (1) Part 6 of schedule 8 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting after the heading to such part 6 the following: "Part 6 headnote:

"1. No article shall be exempted from duty under item 870.30 unless a Federal agency or agencies designated by the President determines that such article is visual or auditory material of an educational, scientific, or cultural character within the meaning of the Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific, and Cultural Character."

(2) Such part 6 is amended by adding at the end thereof the following new item:

"	70.30	Developed photographic film, including motion-picture film on which pictures or sound and pictures have been recorded; photographic slides; transparencies; sound recordings; recorded video-tape; models; charts; maps; globes; and posters; all of the foregoing which are determined to be visual or auditory materials in accordance with headnote 1 of this part	Free	Free	"

(b) The amendments made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption, on or after the date proclaimed by the President pursuant to this subsection, which date shall be within the period of six months which begins with the day after the day on which the United States instrument of acceptance of the Agreement is deposited with the Secretary General of the United Nations.

The CHAIRMAN pro tempore. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 3, line 11, strike out the quotation marks and insert after line 11 the following: "Whenever the President determines that there is or may be profit-making exhibition or use of articles described in item 870.30 which interferes significantly (or threatens to interfere significantly) with domestic production of similar articles, he may prescribe regulations imposing restrictions on the entry of such foreign articles to ensure that they will be exhibited or used only for non-profit-making purposes."

Mr. MILLS (interrupting the reading). Mr. Chairman, in view of the fact that the committee amendment is set forth in the bill and in the report as well, I ask unanimous consent to dispense with the further reading of the amendment and that it be printed in the RECORD at this point.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The committee amendment was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. PICKLE, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the Joint Resolution (H.J. Res. 688) to give effect to the Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific, and Cultural Character, approved at Beirut in 1948, pursuant to House Resolution 1002, he reported the joint resolution back to the House with a committee amendment adopted by the Committee of the Whole.

The previous question was ordered under the rule.

The SPEAKER pro tempore. The question is on the committee amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The joint resolution was passed.

A motion to reconsider was laid on the table.

FLORENCE AGREEMENT IMPLEMENTATION LEGISLATION

Mr. MILLS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8664) to implement the Agreement on the Importation of Educational, Scientific, and Cultural Materials, opened for signature at Lake Success on November 22, 1950, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 8664, with Mr. PICKLE in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Arkansas [Mr. MILLS] will be recognized for 1 hour, and the gentleman from Missouri [Mr. CURTIS] will be recognized for 1 hour.

The Chair recognizes the gentleman from Arkansas.

Mr. MILLS. Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, the purpose of H.R. 8664, as unanimously reported by the Committee on Ways and Means, is to implement the International Agreement on the Importation of Educational, Scientific, and Cultural Materials, which is popularly referred to as the Florence agreement.

The Florence agreement, Members of the House will recall, is an international agreement sponsored by the United Nations Educational, Scientific, and Cultural Organization—UNESCO—the purpose of which is to facilitate the free flow of educational, scientific, and cultural materials by removing unnecessary barriers that impede the international flow of such materials.

This agreement was opened for signature on November 22, 1950, and to date some 50 countries have become parties thereto. The United States signed the agreement on June 24, 1959, and the Senate gave advice and consent to ratification on February 23, 1960. Deposit of the U.S. ratification has been delayed, however, pending enactment of the necessary implementing legislation. Enactment of H.R. 8664, the pending bill, would provide the implementing legislation necessary to the United States becoming a party to the agreement.

The Florence agreement provides for the accomplishment of its purposes through provision for the duty-free importation of educational, scientific, and cultural materials. H.R. 8664, as unanimously reported by your committee, through amendment of the tariff schedules of the United States, would permit, with certain procedural safeguards, the duty-free treatment envisaged by the agreement. In this connection, I should call attention to the fact that many of the materials referred to in the agreement are already duty free under the present provisions of the tariff schedules. These include books in foreign languages, many periodicals, newspapers, antiques made prior to 1830, most original paintings and sculpture, prints produced by hand, audiovisual materials for educational institutions, articles for specified types of exhibitions and books, and other articles for use by the blind.

Mr. Chairman, one of the most important provisions of the bill, section 6(c), relates to the qualified duty-free treatment of instruments and apparatus entered for use by educational and scientific institutions. The most significant qualification and limitation on such duty-free entry is that it is confined to situations in which the Secretary of Commerce has found that no instrument or

apparatus of equivalent scientific value, for the purposes for which the foreign instrument or apparatus is intended to be used, is being manufactured in the United States. Among the procedural safeguards that would govern the application for duty-free entry of a foreign instrument or apparatus, is the requirement that notice of filing of the application be published in the Federal Register and that interested persons, including domestic manufacturers, be given an opportunity to present their views. In addition, the Secretary's determination in each case is to be published in the Federal Register and is subject to judicial review in the Court of Customs and Patent Appeals on questions of law.

Mr. Chairman, in the course of the Committee on Ways and Means' public hearings on this legislation, spokesmen for the administration advised that it is not anticipated that the duty-free treatment that would be extended thereunder will result in any significant increase in imports. However, as a safeguard for workers, firms, or industries which consider that they are seriously injured by such duty-free treatment, provision is made that—for purposes of the application of the adjustment assistance and tariff adjustment provisions of title III of the Trade Expansion Act of 1962—the duty-free treatment provided for in the bill shall be treated as a tariff concession under a trade agreement.

In this connection the committee wishes to emphasize the educational, scientific, and cultural purposes of the Florence agreement, which this bill would implement, as distinguished from the economic purposes for which Congress has authorized the President to negotiate trade agreements. The two programs are separate and distinct. That relating to the Florence agreement is the very limited one of implementing the exchange of educational, scientific, and cultural materials. The trade agreements program, on the other hand, is directed to the reciprocal reduction of duties to achieve economic objectives.

The Committee on Ways and Means, in the course of its consideration of this legislation, received favorable reports from all of the interested Federal agencies and departments, including the Departments of State, Treasury, Commerce, Labor, and Health, Education, and Welfare, the Office of the Special Representative for Trade Negotiations, and the Copyright Office. It also received a factual report from the U.S. Tariff Commission.

Mr. Chairman, your committee is convinced that this legislation is completely consonant and in accord with the U.S. well-established policy of encouraging the international exchange of educational, scientific, and cultural materials as a means of increasing understanding between nations, and unanimously recommends enactment of H.R. 8664, as amended.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, is this one of the differences between the Beirut agreement and the Florence agreement—the proviso the gentleman has read? If there is this difference, why?

Mr. MILLS. Let me point out the difference really in what we are talking about. In the Beirut agreement we are talking only about audio-visual types of materials, such as motion pictures, that are to be imported or exported—articles of an educational, scientific, or cultural character.

Here what we are talking about is a bill of broader scope. For instance, the gentleman will remember that every year we have some 30 or more of these individual bills which allow the duty-free import of a mass spectrometer, or an instrument of that nature.

I refer to a spectrometer that some educational institution in your State or my State wants. We go through the process of allowing them to come in with a special bill that the committee reports, and we pass it, and the President signs it, and then we forego the collection of that duty. It is that kind of instrument and apparatus we are talking about here in section 6(c). Those things that are entered for use here in the United States—actually to be used by a nonprofit institution, established for educational or scientific purposes. Here is where we wanted to be certain that if we do this in section 6(c) we are setting up a proper safeguard to protect any domestic producer who thinks that he might be producing this same kind of instrument or apparatus. If so, we want him to have an opportunity to say so.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MILLS. Mr. Chairman, I yield myself 2 additional minutes.

The Secretary of Commerce must make this determination, but it has to be done publicly. There is an appeal available from this determination, judicial review on questions of law in the Court of Customs and Patent Appeals. These are some of the things we wrote in after the bill had initially been introduced, and we tried to eliminate any question about what we were endeavoring to do. There is no harm in something coming in to be used by a college or university which is scientific in nature free of duty if that college or university cannot find that same instrument here in the United States.

Mr. GROSS. Mr. Chairman, if the gentleman will yield further?

Mr. MILLS. I yield to the gentleman from Iowa.

Mr. GROSS. This is the Florence agreement which involves 50 or 52 nations?

Mr. MILLS. Yes; 50 nations.

Mr. GROSS. And some of those are Communist countries. Is that not true?

Mr. MILLS. That is true, but we are not changing anything in existing law which has to do with our right to protect ourselves from such imports if they are contrary to our own national interest.

Mr. GROSS. If I understand it correctly, Cuba is one of the countries you have covered in this agreement.

Mr. MILLS. The list is here on page 39, appendix B, of the committee's report. It gives you every one of them. That is the last page in the report. That is true. We are not changing any restriction about it, however, so that the embargo against Cuba would still continue to exist regardless of this agreement.

Mr. GROSS. That is exactly the point. I want to be doubly sure that this bill does not in any way change that.

Mr. MILLS. It does not.

Mr. GROSS. I thank the gentleman.

The CHAIRMAN. The time of the gentleman from Arkansas has again expired.

Mr. MILLS. Mr. Chairman, I yield myself 2 additional minutes, and I now yield to the gentleman from Missouri [Mr. HALL].

Mr. HALL. Mr. Chairman, let me simply reassure myself by restating what I believe to be the committee and the distinguished chairman's position.

As I understand it, under section 6(c) of this bill where we are importing for nonprofit institutions such things as spectrometers or, if I recall it correctly, we had many bills come through here for ultra-high-frequency electron microscopes which were brought in because the crystals can actually be obtained only in certain other places in the world, and we want to render them available to people operating these nonprofit institutions in our own country, hereafter we would not have to do that if they met the proviso of the Secretary of Commerce and were published in the Register, and the right of appeal of anybody injured in our own country is given. Thus we would cut down and expedite our own work as far as these individual bills are concerned. Is that correct?

Mr. MILLS. The gentleman from Missouri [Mr. HALL] is eminently correct with respect to the spectrometers to which he refers, and the bill also provides that electron microscopes shall be subject to the uniform procedures prescribed in the bill.

Mr. CURTIS. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I want to emphasize what the chairman of the committee, Mr. MILLS, said about this bill. It has been unanimously reported. It was approved after considerable discussion in the committee based on public hearings. I think we have worked this out. There were a couple of bugs in the thing. I might say to the gentleman from Iowa and the gentleman from Missouri [Mr. HALL] one reason for a little more formality in the proceedings here is that we were coming closer to touching commercial items, or at least to the possibility of it, than we were in the Beirut agreement which was dealing only with visual aids. Here in this legislation we actually—because of the experience that the Committee on Ways and Means has had over a period of years in dealing with these scientific instruments where we process special bills to allow duty-free entry—would go through all of this new procedure to be sure that the article in question is not a scientific instrument that is actually produced in the United States. We wanted to be sure in this bill that we had provided as much care for screening these kinds of items as we thought we were

providing when we would bring in something in the nature of a private bill. I think we have gone a step further, and I am rather pleased that we have. I think we have adequately protected the interest of our own domestic producers.

Mr. Chairman, I believe at page 8 of the report one can see the essence of this when our committee wrote:

> Although, as has been pointed out, the purposes of the Florence Agreement and of H.R. 8664 are educational, scientific, and cultural rather than economic and commercial, your committee has given attention to the trade implications of the bill.

Now, Mr. Chairman, here again we are dealing with many free materials, and even those which do have a duty on them have a relatively low duty. One can see that this is true based upon the total imports, about $39 million, with a revenue returned to the Treasury of about $1.75 million, as indicated at page 8 of the report.

Mr. Chairman, I know that this is a two-way street in which the United States has by far the predominance of traffic.

In other words, we have considerable exports in this area, and it is a very sizable item which area own scientific communities produce and our scientific instrument producers are manufacturing.

Mr. Chairman, one other item I believe which might be called to the attention of the Committee is the fact that one of the witnesses who appeared before our committee was in the book publishing business, and he was rather concerned about an American author producing a work and then possibly having the printing of it and so forth done abroad.

We had testimony that clarified this to point out that the protection in this area against this, to keep it from occurring, comes, really, through the copyright laws. That is set out in full in our report on page 13 thereof.

So, Mr. Chairman, we do not have to concern ourselves about this in this particular legislation, inasmuch as this kind of protection is provided in a different way.

Mr. Chairman, I urge the Members to support the legislation.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. CURTIS. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, do I understand that our exports are accepted, tariff free?

Mr. CURTIS. Yes, all of these items are, and have been. This is one of the instances where I think the demand for the American scientific instruments and so forth was such that these other countries went ahead and abided by the Florence agreement, even though the United States had not implemented it.

Mr. GROSS. Mr. Chairman, if the gentleman will yield further, we export tariff free and they import tariff free?

Mr. CURTIS. Yes, that is what it amounts to. We export a great deal of this production to Great Britain and, fortunately, they have abided by the agreement.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. CURTIS. Of course I yield to the gentleman from Missouri.

Mr. HALL. I appreciate the gentleman from Missouri yielding.

Am I to understand that even within the limitations—and continuing on with the quote contained in the committee report on page 8 thereof to which the gentleman from Missouri referred a while ago, that this will in no way affect that infamous Reciprocal Trade and Tariff Act of 1962 that this House of Representatives passed——

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. CURTIS. Mr. Chairman, I yield myself 2 additional minutes.

Mr. HALL. I was referring to that infamous Reciprocal Trade and Tariff Act of 1962 that this House passed which has laid bare our standard of living and our workingman to competition from around the world; is that correct?

Mr. CURTIS. I appreciate the manner in which the gentleman from Missouri worded the question. However, let me say that it has no bearing at all upon the Trade Expansion Act of 1962. That is the significance of our point. If we do want to do something about lowering tariffs on commercial items, that there is no reason to delay negotiations under that act.

I myself believe we did a pretty good job in the Trade Expansion Act of 1962. Hopefully, though, in the spirit in which the gentleman asked the question, it will really be reciprocal, and in this connection, I hope that the United States will not give away this and that and receive nothing in return. In that respect I share the views of the gentleman from Missouri.

Mr. HALL. The gentleman from Missouri [Mr. CURTIS] has answered his own question insofar as our area of agreement to disagree is concerned. This has been a one-way street insofar as the European Common Market is concerned, and as the gentleman from Missouri pointed out to me before, while we are lowering tariffs, and laying bare our workingman, they use many other devices, including manipulation of their currencies and agreements between themselves and their individual industries, which do not affect tariffs per se, but it makes a rather one-way street.

Mr. CURTIS. The gentleman from Missouri [Mr. HALL] is right. At the present time nothing has happened as yet as a result of the powers granted in the 1962 act. So, the complaints must be registered as to what was the situation before under negotiations similar to those which we will make as a result of the powers of the 1962 act—if any, I might say.

Mr. HALL. Mr. Chairman, I well know the gentleman's expertise in his advice and consent to the conference in the Kennedy round at Geneva, and I certainly do not want to gainsay any position that he takes in that respect except to point out that it would be very difficult to convince an Arkansas broiler grower in past times that this trade accord which eliminated the 1956 market did not have considerable to do with it.

Mr. CURTIS. The 1962 act did not have anything to do with the problem of broilers in Western Germany. As a matter of fact, I think we were able—the four congressional members of the negotiating team consisting of two U.S. Senators and two Members of the House—I think our position—and it was a firm one that we took—helped us to word this a little more firmly than otherwise our State Department perhaps might have.

Mr. HALL. I agree with that and my distinguished colleague, but that was one year and the broiler market left us in early 1963.

Mr. CURTIS. But not as a result of the 1962 act, as we have not completed negotiations under it yet.

Mr. HALL. If the gentleman would yield further, can you give me the general reassurances about security and about distribution under the Florence agreement that you did under the Beirut agreement.

Mr. CURTIS. Indeed I can.

I yield to the chairman of the committee.

Mr. MILLS. Mr. Chairman, I would want to join my friend from Missouri in giving him those assurances.

Mr. GROSS. When you mention the "Florence agreement" you do not mean Florence, Ala.?

Mr. CURTIS. No, it is Florence, Italy. The conference happened to meet there, a very fine, traditional seat of learning.

Mr. GROSS. It was probably a good place to take a junket.

Mr. CURTIS. I might say, none of the Committee on Ways and Means were in Florence.

Mr. GROSS. I am glad to hear that.

Mr. BYRNES of Wisconsin. Mr. Chairman, I rise in support of H.R. 8664, which is designed to implement the agreement on the importation of educational, scientific, and cultural materials, commonly known as the Florence agreement. The Florence agreement is an international agreement sponsored by the United Nations Educational, Scientific and Social Council—UNESCO.

The United States signed the Florence agreement in 1959 and the Senate gave its approval in 1960. The United States has failed to deposit ratification documents, and enactment of this implementing legislation is necessary for the United States to join the 50 other countries which are currently parties to the agreement.

The Florence agreement is designed to promote the free exchange of educational, scientific, and cultural material. The agreement covers various books, publications and documents; works of art and collectors' pieces of an educational, scientific, or cultural character; visual and audio materials of an educational, scientific, or cultural character; certain scientific instruments or apparatuses not manufactured in the United States; and educational, scientific, or cultural articles designed specifically for the blind. Most of the articles subject to the agreement are already entering the United States either free of duty or at very low rates. The bill enlarges duty-free treatment to correspond with the items covered by the Florence agreement.

The goal of free exchange of information corresponds with the basic commitment of American society, and I recommend enactment of this implementing legislation so that the United States may become a party to the Florence agreement.

Mr. SPRINGER. Mr. Chairman, I rise in support of H.R. 8664. Enactment of this bill should sharply reduce the cost to universities and educational institutions in this country of purchasing certain scientific instruments which must be imported from abroad because they are not manufactured in the United States.

I can give you an example of what this measure will mean to our educational and research institutions. At the present time the University of Illinois needs a high-powered ionosonde for studies of the upper atmosphere, a research program that is being carried on under contract with the National Science Foundation.

Since an ionosonde meeting the university's high specifications for this study is manufactured in Sweden, and no instrument of equivalent scientific value is made in the United States, I introduced a bill last April 19 providing for the free entry of the Swedish ionosonde.

Reporting on my bill to the Committee on Ways and Means, the Department of Commerce stated:

> It has been determined that only two specifications, in this particular case, are relevant to the requirements of the University: (1) the low frequency response capabilities; and (2) the logarithmic frequency scale. With respect to these characteristics, the Swedish ionosonde is significantly superior to domestically-produced instruments of this type.

My bill is only one of numerous similar pieces of legislation that have been introduced in recent years to grant duty-free status to various individual importations of scientific equipment by educational institutions in this country. On a single day in late 1965 the President signed 14 separate bills for such purposes.

Enactment of H.R. 8664 will make my bill and similar bills unnecessary in the future. It will enable the University of Illinois and other educational institutions in the United States to import free those scientific instruments and equipment which are unavailable from domestic sources.

Enactment of H.R. 8664 will make the United States a party to the international agreement on the importation of educational, scientific, and cultural materials, commonly known as the Florence agreement.

Sponsored by the United Nations Educational, Scientific, and Cultural Organization—UNESCO—the Florence agreement was negotiated in 1950. It was signed by the United States in 1959 and was ratified by the Senate in 1960. Deposit of our ratification has been delayed, however, pending enactment of the implementing legislation. H.R. 8664 implements the Florence agreement and thus will make the United States a full party to that agreement.

This is the second time within recent years that the University of Illinois has had occasion to seek special legislation so that it might purchase a piece of scientific equipment from abroad without paying heavy import duties. In the present instance, the ionosonde itself will cost the university around $52,000 and the duty, in the absence of exempting legislation, would amount to $7,000.

I am sure that my colleagues will agree that it is in the national interest for our educational and research institutions to be able to obtain the scientific instruments they need in their studies at the lowest possible cost. H.R. 8664 will help achieve that objective and I urge its enactment.

Mr. IRWIN. Mr. Chairman, today we are considering legislation which will enable the United States to become full participants in the Beirut and Florence agreements.

Our Government was a party in the forging of both of these agreements, but we have tarried too long in depositing our ratification with the United Nations. We have waited too long to join the 50 parties of the Florence agreement and the members of the Beirut agreement which dates as far back as 1948. These are agreements which are most important to UNESCO in its efforts to ease the international flow of books, pieces of art work, scientific instruments, and audio and visual materials of educational, scientific, and cultural character.

Education and knowledge are the most valuable resources of a free world. It is therefore imperative that we do what we can to facilitate understanding between the world's people. The greater exchange between countries of books and other products of culture and thought will contribute to the harmony of our globe's population being forced closer together by technical progress.

Mr. CURTIS. Mr. Chairman, we have no further requests for time.

Mr. MILLS. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Under the rule, the bill is considered as having been read for amendment and it shall be in order to consider the amendment in the nature of a substitute, now in the bill. No amendments are in order to the bill or committee substitute except amendments offered by direction of the Committee on Ways and Means and such amendments shall not be subject to amendment.

The Clerk will read the committee amendment.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"SECTION 1. SHORT TITLE, ETC.

"(a) SHORT TITLE.—This Act may be cited as the 'Educational, Scientific, and Cultural Materials Importation Act of 1966'.

"(b) PURPOSE.—The purpose of this Act is to enable the United States to give effect to the Agreement on the Importation of Educational, Scientific and Cultural Materials, opened for signature at Lake Success on November 22, 1950, with a view to contributing to the cause of peace through the freer exchange of ideas and knowledge across national boundaries.

"(c) AMENDMENT OF TARIFF SCHEDULES.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, an item or other provision, the reference shall be considered to be made to an item or other provision of the Tariff Schedules of the United States (19 U.S.C., sec. 1202).

"SEC. 2. EFFECTIVE DATE.

"This Act shall become effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after a date to be proclaimed by the President, which date shall be within a period of three months after the date on which the United States instrument of ratification of the Agreement on the Importation of Educational, Scientific and Cultural Materials shall have been deposited with the Secretary-General of the United Nations.

"SEC. 3. BOOKS, PAMPHLETS, AND OTHER PRINTED AND MANUSCRIPT MATERIAL.

"(a) BOOKS.—

"(1) Schedule 2, part 5, is amended—

"(A) by striking out items 270.15 to 270.40, inclusive, and inserting in lieu thereof the following:

"'	270.25	Books not specially provided for.	Free	Free '

"(B) by striking out the article description immediately preceding item 270.45 and inserting in lieu thereof 'Printed catalogs relating chiefly to current offers for the sale of United States products:',

"(C) by striking out the item numbers and the article descriptions in items 274.75 to 274.90, inclusive, and the article descriptions preceding items 274.75 and 274.85, and inserting in lieu thereof the following:

"'Printed matter not specially provided for:

"'274.73 Suitable for use in the production of such books as would themselves be free of duty . . . .

"'Other:

"'Printed on paper in whole or in part by a lithographic process:

"'274.75 Not over 0.020 inch thick . . .

"'274.80 Over 0.020 inch thick . . . . .

"'Other:

"'274.85 Susceptible of authorship . . .

"'274.90 Other . . . . . .'

"(D) by inserting 'Free' in each of the rate columns in item 274.73, added by subparagraph (C).

"(2) Item 737.52 is amended to read as follows:

"'	737.52	Toy books, including coloring books and books the only reading matter in which consists of letters, numerals, or descriptive words	Free	Free '

"(b) PERIODICALS.—Schedule 2, part 5, is amended by striking out items 270.60 and 270.65 and the article description immediately preceding item 270.60 and inserting in lieu thereof the following:

"'	270.63	Periodicals	Free	Free '

"(c) TOURIST LITERATURE, ETC.—The article description in item 270.70 is amended to read as follows: 'Tourist and other literature (including posters), containing geographic, historical, hotel, institutional, timetable, travel, or similar information, chiefly with respect to places, travel facilities, or educational opportunities outside the customs territory of the United States'.

"(d) MUSIC IN BOOKS OR SHEETS.—Schedule 2, part 5, is amended by striking out items 273.05 to 273.20, inclusive, and the article descriptions immediately preceding items 273.05 and 273.15, and inserting in lieu thereof the following:

"'	273.10	Music in books or sheets	Free	Free '

"(e) MAPS, ATLASES, AND CHARTS.—Schedule 2, part 5, is amended—

"(1) by striking out item 273.25 and the article description immediately preceding it,

"(2) by striking out the item number and article description in item 273.30 and inserting in lieu thereof

"'273.30 | Printed globes', and

"(3) by striking out items 273.35 and 273.40 and the article description immediately preceding item 273.35 and inserting in lieu thereof the following:

"'	273.35	Maps, atlases, and charts (except tourist and other literature provided for in item 270.70)	Free	Free '

"SEC. 4. WORKS OF ART; ANTIQUES.

"(a) PAINTINGS, ETC.— Schedule 7, part 11, subpart A, is amended by striking out items 765.05 and 765.07 and the article description immediately preceding item 765.05 and inserting in lieu thereof the following:

"'	765.03	Paintings, pastels, drawings, and sketches, all the foregoing, whether or not originals, executed wholly by hand	Free	Free '

"(b) ANTIQUES.—Schedule 7, part 11, subpart B, is amended by striking out so much of the article description immediately preceding item 766.20 as precedes "all the foregoing" and inserting in lieu thereof 'Ethnographic objects made in traditional aboriginal styles and made at least 50 years prior to their date of entry; and other antiques made prior to 100 years before their date of entry;'.

"SEC. 5. DOCUMENTS OF FOREIGN GOVERNMENTS AND INTERNATIONAL ORGANIZATIONS

"The article description in item 840.00 is amended—

"(1) by inserting '(including exposed and developed motion pictures and other films, recorded video tapes, and sound recordings)' immediately after 'documents', and

"(2) by striking out 'wholly' and inserting in lieu thereof 'essentially'.

"SEC. 6. CERTAIN ARTICLES IMPORTED BY EDUCATIONAL, SCIENTIFIC, AND OTHER SPECIFIED INSTITUTIONS

"(a) GENERAL.—Schedule 8, part 4, is amended—

"(1) by striking out 'plans' in headnote 3 and inserting in lieu thereof 'plans, and reproductions thereof,',

"(2) by striking out "institution established solely' in the article description immediately preceding item 851.10 and inserting in lieu thereof 'nonprofit institution established', and

"(3) by striking out so much of the article description in item 851.10 as precedes 'all the foregoing' and inserting in lieu thereof 'Drawings and plans, reproductions thereof, engravings, etchings, lithographs, woodcuts, globes, sound recordings, recorded video tapes, and photographic and other prints,'.

"(b) PATTERNS AND MODELS.—The article description in item 851.50 as amended to read as follows: 'Patterns and models exclusively for exhibition or educational use at any such institution'.

"(c) SCIENTIFIC INSTRUMENTS AND APPARATUS.—Schedule 8, part 4, is amended—

"(1) by inserting after item 851.50 the following:

"'		Articles entered for the use of any nonprofit institution, whether public or private, established for educational or scientific purposes:		
	851.60	Instruments and apparatus, if no instrument or apparatus of equivalent scientific value for the purposes for which the instrument or apparatus is intended to be used is being manufactured in the United States (see headnote 6 to this part)	Free	Free
	851.65	Repair components for instruments or apparatus admitted under item 851.60	Free	Free '

"(2) by striking out headnote 1 and inserting in lieu thereof the following:

"'1. Except as provided in items 850.50 and 852.20, or as otherwise provided for in this headnote, the articles covered by this part must be exclusively for the use of the institutions involved, and not for distribution, sale, or other commercial use within 5 years after being entered. Articles admitted under any items in this part may be transferred from an institution specified with respect to such articles to another such institution, or may be exported or destroyed under customs supervision, without duty liability being incurred. However, if any such article (other than an article provided for in item 850.50 or 852.20) is transferred other than as provided by the preceding sentence, or is used for commercial purposes, within 5 years after being entered, the institution for which such article was entered shall promptly notify customs officers at the port of entry and shall be liable for the payment of duty on such article in an amount determined on the basis of its condition as imported and the rate applicable to it (determined without regard to this part) when entered. If, with a view to a transfer (other than a transfer permitted by the second sentence) or the use for commercial purposes of an instrument or apparatus, a repair component admitted under item 851.65 has been assembled into such instrument or apparatus, such component shall, for purposes of the preceding sentence, be treated as a separate article.',

"(3) by inserting the following headnote immediately after headnote 5:

"'6. (a) The term "instruments and apparatus" (item 851.60) embraces only instruments and apparatus provided for in—

"'(i) schedule 5: items 535.21–.27 and subpart E of part 2; and items 547.53 and 547.55 and subpart D of part 3;

"'(ii) schedule 6: subpart G of part 3; subparts A and F and items 676.15, 676.20, and 678.50 of part 4; part 5; and items 694.15, 694.50, and 696.60 of part 6; and

"'(iii) schedule 7: part 2 (except subpart G); and items 790.59–.62 of subpart A of part 13;

but the term does not include materials or supplies, nor does it include ordinary equipment for use in building construction or maintenance or for use in supporting activities of the institution such as its administrative offices or its eating or religious facilities.

"'(b) An institution desiring to enter an article under item 851.60 shall make application therefor to the Secretary of the Treasury including therein (in addition to such other information as may be prescribed by regulation) a description of the article, the purposes for which the instrument or apparatus is intended to be used, the basis for the institution's belief that no instrument or apparatus of equivalent scientific value for such purposes is being manufactured in the United States, and a statement that either the institution has already placed a bona fide order for the instrument or apparatus or has a firm intention, in the event of favorable action on its application, to place such an order on or before the final day specified in paragraph (d) of this headnote for the placing of an order. If the application is made in accordance with the applicable regulations, the Secretary of the Treasury shall promptly forward copies thereof to the Secretary of Commerce and to the Secretary of Health, Education, and Welfare. If, at any time while its application is under consideration by the Secretary of Commerce or by the Court of Customs and Patent Appeals on appeal from a finding by him, an institution cancels an order for the instrument or apparatus to which its application relates or ceases to have a firm intention to order such instrument of apparatus, it shall promptly so notify the Secretary of Commerce or such Court, as the case may be.

"'(c) Upon receipt of the application the Secretary of Commerce shall, by publication in the Federal Register, afford interested persons and other Government agencies reasonable opportunity to present their views with respect to the question whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. After considering any views presented pursuant to this paragraph, including any written advice from the Secretary of Health, Education, and Welfare, the Secretary of Commerce shall determine whether an instrument or apparatus of equivalent scientific value to such article, for the purposes for which the instrument or apparatus is intended to be used, is being manufactured in the United States. Each finding by the Secretary of Commerce under this paragraph shall be promptly reported to the Secretary of the Treasury and to the applicant institution. Each such finding shall be published in the Federal Register, with a statement of the reasons therefor, on or before the ninetieth day following the date on which the application was made to the Secretary of the Treasury in accordance with applicable regulations.

"'(d) Item 851.60 shall not apply with respect to any instrument or apparatus unless a bona fide order therefor has been placed, by the institution making the application under this headnote, on or before the sixtieth day following the day on which a finding of the Secretary of Commerce favorable to the institution has become final and conclusive.

"'(e) Within 20 days after the publication in the Federal Register of a finding by the Secretary of Commerce under paragraph (c) of this headnote, an appeal may be taken from said finding only upon a question or questions of law and only to the United States Court of Customs and Patent Appeals—

"'(i) by the institution which made the application under paragraph (b) of this headnote.

"'(ii) by a person who, in the proceeding which led to such finding, represented to the Secretary of Commerce in writing that he manufactures in the United States an instrument or apparatus of equivalent scientific value for the purposes for which the article to which the application relates is intended to be used,

"'(iii) by the importer thereof, if the article to which the application relates has been entered at the time the appeal is taken, or

"'(iv) by an agent of any of the foregoing. Any appeal under this paragraph shall receive a preference over all other matters before the Court and shall be heard and determined as expeditiously as the Court considers to be practicable. The judgment of the Court shall be final.

"'(f) The Secretary of the Treasury and the Secretary of Commerce may prescribe joint regulations to carry out their functions under this headnote.', and

"(4) by striking out 'and electron microscopes,' in item 854.10.

"SEC. 7. SCIENTIFIC SPECIMENS.

"Schedule 8 is amended by striking out item 852.10 and the article description immediately preceding it, and by inserting after item 870.25 the following new item:

"'	870.27	Specimens of archeology, mineralogy, or natural history (including specimens of botany or zoology other than live zoological specimens) imported for any public or private scientific collection for exhibition or other educational or scientific use, and not for sale or other commercial use	Free	Free '

"SEC. 8. CONFORMING AMENDMENTS.

"(a) PRINTED AND MANUSCRIPT MATERIAL.—The title of schedule 2, part 5, is amended to read as follows:

"'PART 5.—BOOKS, PAMPHLETS, AND OTHER PRINTED AND MANUSCRIPT MATERIAL'.

"(b) SPECIAL CLASSIFICATION PROVISIONS.—Schedule 8 is amended—

"(1) by striking out 'items 806.10, 806.20,' in headnote 2 to part 1, subpart B, and inserting 'items 806.20' in lieu thereof,

"(2) by striking out item 806.10,

"(3) by striking out so much of the article description in item 830.00 as precedes 'and exposed photographic films' and inserting in lieu thereof 'Engravings, etchings, photographic prints, whether bound or unbound, recorded video tapes,',

"(4) by inserting 'and recorded video tapes' after 'recordings' in item 831.00, and

"(5) by striking out so much of the article description in item 850.10 as precedes 'all the foregoing' and inserting in lieu thereof 'Drawings, engravings, etchings, lithographs, woodcuts, sound recordings, recorded video tapes, and photographic and other prints,'.

"(c) JURISDICTION AND PROCEDURE OF COURT OF CUSTOMS AND PATENT APPEALS.—

"(1) Chapter 93 of title 28, United States Code, is amended by adding after section 1543 the following new section:

"'§ 1544. CERTAIN FINDINGS BY SECRETARY OF COMMERCE

"'The Court of Customs and Patent Appeals shall have jurisdiction to review, by appeal on questions of law only, findings of the Secretary of Commerce under headnote 6 to schedule 8, part 4, of the Tariff Schedules of the United States (relating to importation of instruments or apparatus).'

"(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following:

"'1544. Certain findings by Secretary of Commerce.'

"(3) Section 2602 of title 28, United States Code, is amended by adding at the end thereof the following new sentence: 'Appeals from findings by the Secretary of Commerce provided for in headnote 6 to schedule 8, part 4, of the Tariff Schedules of the United States (19 U.S.C., sec. 1202) shall be given the precedence provided for in such headnote.'

"SEC. 9. TARIFF ADJUSTMENT AND OTHER ADJUSTMENT ASSISTANCE.

"Any duty-free treatment provided for in this Act shall, for purposes of title III of the Trade Expansion Act of 1962 (76 Stat. 883; 19 U.S.C., secs. 1901 to 1991), be treated as a concession granted under a trade agreement: *Provided*, That any action taken pursuant to section 351 of such Act as the result of this section shall be consistent with obligations of the United States under trade agreements."

Mr. MILLS (during the reading of the committee amendment). Mr. Chairman, I ask unanimous consent that the further reading of the committee amendment be dispensed with, since it has been printed in the bill and in the report, and that it be printed in full in the RECORD.

The CHAIRMAN. Without objection, is is so ordered.

There was no objection.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

GENERAL LEAVE TO REVISE AND EXTEND

Mr. MILLS. Mr. Chairman, I ask unanimous consent that all Members who have discussed this matter may have the right to revise and extend their remarks.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose, and the Speaker pro tempore having resumed the chair, Mr. PICKLE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 8664) to implement the Agreement on the Importation of Educational, Scientific, and Cultural Materials, opened for signature at Lake Success on November 22, 1950, and for other purposes, pursuant to House Resolution 1004, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. MILLS. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have the opportunity of extending their remarks in the RECORD just prior to the passage of the bill.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

FEDERAL TAX LIEN ACT OF 1966

Mr. MILLS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11256) to amend the Internal Revenue Code of 1954 with respect to the priority and effect of Federal tax liens and levies, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 11256, with Mr. PICKLE in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Arkansas [Mr. MILLS] will be recognized for 2 hours, and the gentleman from Wisconsin [Mr. BYRNES] will be recognized for 2 hours.

The Chair recognizes the gentleman from Arkansas.

Mr. MILLS. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, the bill H.R. 11256, which we are considering today, represents the first substantial revision of the Federal tax lien laws since before the adoption of the income tax in 1913.

Our internal revenue laws have for many decades provided rules for determining the relative rights of the taxpayer, his creditors, and the United States, when a tax liability has been assessed and has become due and owing upon notice and demand.

During this time there has been a remarkable development of commercial transactions, financing devices, and security interests. The Uniform Commercial Code, which in a few years has become the law in substantially all of our States, is both evidence of, and a contributor to, these developments. More and more, the existing procedures for handling Federal tax liens has tended to impede this commercial development. Also, experience under the tax lien procedure has indicated other instances where the present rules work inequities, both in and out of the commercial area.

For over 8 years now, the American Bar Association, through a special committee composed of representatives of four of its sections, has worked with representatives of the Treasury Department and committee staff to revise the Internal Revenue Code's lien provisions with a view to meeting the problems I have mentioned, and also to improving the ability of the Federal tax liens to fulfill their original function of assisting in the collection of the revenues.

Although there were many members of the American Bar Association who participated in these discussions and this work, I would especially like to mention the name of the one who acted as chairman of that group, Mr. Laurens Williams, who is a tax attorney here in the city of Washington, and who formerly served in the Treasury Department as the senior tax lawyer. He worked with Treasury people, his own committee, and the staffs of our own committees. I do not know how many months, how many hours, how many days were spent in the development of this program, but those who worked on this certainly have rendered a great service in improving the tax laws.

Though, as in the case of most bills, it may not be completely satisfactory to everyone, I believe this bill offers many changes which are acceptable to practically everyone and are generally recognized as being an improvement in the existing situation.

The general tax lien arises at the time a tax liability is assessed. The assessment is made by recording the tax liability in the books of the district director, which essentially is a private, or "secret," act. In the case of the taxpayer who voluntarily show the liability on his tax return, the assessment occurs shortly after the return is filed. When the assessment is made, the general tax lien attaches to all of the taxpayer's property. It continues to attach to all his property, including property that he acquires after the date of assessment, until the tax liability is satisfied or can no longer be enforced because of the statute of limitations.

The general rule in determining the priority of liens and other interests is that any interest which attaches takes

priority over those interests which attach later and is subordinate to those which attached earlier. However, even though the statute provides that the general tax lien attaches as soon as the assessment is made, without filing or any other public act, it also provides that it is subordinate to four categories of persons whose interests attach after assessment but before notice of the tax lien is filed. These four categories are mortgagees, pledgees, purchasers, and judgment creditors.

In addition, even where notice of the Federal tax lien has been filed, the statute presently provides that a tax lien is subordinate to mortgagees, pledgees, and purchasers of securities and to purchasers of motor vehicles. These are known as superpriorities in that they are given a priority over a tax lien even though it has been filed.

In the area covered by this brief description, many problems have arisen. Some are technical problems with policy overtones—others are clearly policy problems. Probably the more important of these are concerned with improving the status of private secured creditors.

I have already mentioned that under present law mortgagees, pledgees, purchasers, and judgment creditors may be protected before the Federal tax lien notice has been filed. One significant way in which the bill improves the status of private creditors is by expanding those categories of protected persons by adding a new category—mechanic's lienors—and by substituting a broader term—holders of security interests—for mortgagees and pledgees.

Another problem under existing law which has arisen is in determining when an interest is definite and complete and, therefore, given priority over a tax lien. For this to occur, the holder of the interest must be known, must have protected his interest—such as by recording it—the property subject to the interest be in existence and described, and the amount of the interest fixed. In the case of an interest that is competing with a Federal tax lien, the competing interest loses unless it has become definite and complete before the critical date—generally, when the Federal tax lien arises, but in the case of mortgages, pledges, puchases, and judgment liens, when notice of the Federal tax lien is filed. Many current financing methods that are fully protected under local law do not meet this test at the critical times and so have no protection against Federal tax liens.

The bill also expands the categories of items which are to have a superpriority even over a filed tax lien. There are several categories which your committee thought should be given this treatment to which it is not now available.

For example, it seems unreasonable to expect retail purchasers of appliances or other property to search the appropriate records when they contemplate purchases from an apparently thriving retail store.

In addition, your committee believed that where a garageman or other repairman adds value to a piece of property, such as a damaged automobile, by repairing it and as a result increases the value of the Government's lien, he should not be deterred from doing his useful work because a notice of Federal tax lien has been filed.

Similarly, there appears to be no reason why an attorney should stop work on a case because a Federal tax lien has been filed against his client. Even though State law may give him a lien on what he gets for his client, in order to secure his fee, under present law his lien is subordinate to the Federal tax lien if he has not yet completed his services to his client in that case.

These are some examples of the situations where it was felt that changes were needed. Accordingly, this bill adds eight categories to the securities and motor vehicle situations I described—where certain interests receive a superpriority over the Federal tax lien even if notice of the lien has been filed.

A priority status is also provided for interests arising from three types of financing agreements entered into before the tax lien filing: commercial transactions financing, real property construction or improvement financing, or obligatory disbursements.

Still further, the bill provides that whenever an interest takes priority over a Federal tax lien, then certain types of related expenses—such as interest, carrying charges, collection and enforcement costs, and costs of insuring, preserving, or repairing the property to which the interest relates—are to have the same priority as the protected interest, provided that the relevant local law provides the same protection.

Another provision of the bill requires the Internal Revenue Service to refile a notice of Federal tax lien every 6 years—reckoned from the time the lien arose—in order to preserve the priority status resulting from the first filing of notice. This has been done because it was brought to our attention that present procedures may mislead a potential lender who investigates and finds a filed notice of Federal tax lien, and who knows that the underlying tax liability—and therefore the tax lien—becomes unenforceable 6 years after assessment, but who is not aware of the fact that the 6-year statute is often extended by the taxpayer's acts or by an agreement between the taxpayer and the Internal Revenue Service.

Up to this time I have in general discussed the areas in which the bill improves the priority status of private creditors. The changes made there are substantial and are apt to have a greater impact than the rest of this bill. However, many of the other provisions are also of significance. I would particularly like to bring to your attention the following points:

First, the bill broadens the authority of the Internal Revenue Service to discharge property from the Federal tax lien, to subordinate the Federal tax lien under appropriate circumstances, and to issue certificates regarding the status of the Government's lien. This broadening of authority has the same purpose as most of the other provisions—to free business transactions from unnecessary interference and to minimize inequities.

Second, the Federal tax lien is normally enforced by levy or by foreclosure actions. A new provision permits the Government to reach a taxpayer's cash loan value by levy in certain types of insurance policies. The policies, in such cases, may as a result be continued in effect. Since present law normally requires the Government to foreclose in order to realize anything from those policies, and since foreclosure destroys the policies, this new provision is especially important to beneficiaries of taxpayers who are no longer insurable. At the same time, from the Government's point of view, it obtains a collection tool that is quicker and less expensive to use than present law.

Third, the bill imposes reasonable obligations upon those who finance employers' payrolls, requiring them to withhold income taxes and social security taxes, as employers are now required to do.

Other provisions deal with U.S. intervention in suits, suits by third parties against the United States, redemption and sale of property by the United States, and joinder of the United States in suits affecting property subject to a Federal tax lien.

As I have previously indicated, the bill provides special provisions for persons engaged in accounts receivable or inventory financing. In many cases where such lenders are protected by State law this protection applies not only to persons lending against accounts receivable but also to those who purchase these accounts as well. Since the bill refers to purchasers separately, I want to take this opportunity to make it clear that for purposes of priority against the Federal tax lien it makes no difference which type of financing is involved. Any one financing a business by buying its receivables under an agreement to do so will be protected to the same extent as a lender who lends money against the receivables under an agreement to do so. One using the purchase method is not required to meet any higher standard in any way. I make this comment because a reference in the technical explanation of the committee report on the bill may be somewhat confusing on this point.

Mr. Chairman, when experience and changing circumstances demonstrate the need for revision of a complex set of laws—and the Federal tax lien laws are indeed complex—a proper revision often requires the willingness of peope with apparently conflicting interests to find ways of accommodating each other's point of view. In this case we have had just such cooperation from the Treasury Department and the Internal Revenue Service and from a special committee organized by the American Bar Association to bring to bear on this subject the expertise of four of its sections. With this assistance from affected parties, a bill has been produced that improves the effectiveness of the Federal tax lien and yet enables it to harmonize better with both current business practices and the interests of justice.

Mr. Chairman, H.R. 11256, the Federal Tax Lien Act of 1966, is a good bill and I urge its adoption.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I will be glad to yield to the gentleman.

Mr. GROSS. Will the gentleman devote a minute or two to an explanation of the superpriority of attorneys' fees or the necessity for a new category of superpriority of attorneys' fees?

Mr. MILLS. Yes. This is one of eight superpriorities added to the two for securities and motor vehicles which are existing law. It was felt that attorneys whose efforts resulted in the obtaining or collecting of judgments or settlements, in say tort actions, should be protected as to their reasonable fees.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MILLS. Mr. Chairman, I yield myself 4 additional minutes.

Mr. GROSS. I am intrigued by this language. It says:

> The attorney's fee in such a case can be thought of as similar in concept to the repairman's charge in that it can be expected to enhance the value of the taxpayer's property.

How can the attorney's fee enhance the value of the property as a repairman does when he makes repairs to property?

Mr. MILLS. Let me go back over the problem again. If the Government is trying to collect some delinquent taxes from an individual and this individual may possibly collect a judgment from someone else, is it not desirable from the standpoint of the Government that he have a good attorney so he can collect the judgment? To get a good attorney would he not have to be able to pay the attorney a reasonable fee?

Mr. JENNINGS. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to the gentleman.

Mr. JENNINGS. Is it not true this situation is closely parallel to the situation of an automobile repairman. In the case of the attorney is it not his work which makes it possible for the client to collect the judgment, which in turn may be collected by the Government for the delinquent taxes?

Mr. MILLS. That is right. The ability of the attorney, like the skill of the repairman, in no small part accounts for the value of the property held by the taxpayer which is subject to the tax lien. It is only good business for the Government that the taxpayer be able to pay a reasonable fee to his attorney.

Mr. GROSS. But having gone that far, why then do you say that "this setoff means the attorney's lien superpriority does not apply with respect to judgments he obtains for the taxpayer against the Government"?

Mr. MILLS. It is true. The offset is an exception.

Mr. GROSS. Why not go all the way and see to it that he does get his money from the Government?

Mr. MILLS. The right of offset would exist between two private parties each having claims against the other. We saw no reason for treating the Government worse in this situation, than we would a private party having a claim against the person involved.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. I understand that the provisions of this law provide that in order for the filing of a tax lien to be effective, it must be filed according to the State law?

Mr. MILLS. That is right.

Mr. ROGERS of Colorado. And, it does not in any manner deal with the bankruptcy procedures?

Mr. MILLS. No, sir; this bill does not touch bankruptcy priorities.

Mr. ROGERS of Colorado. Mr. Chairman, if the gentleman will yield further, I know that we recently passed two pieces of legislation dealing with the effect of bankruptcy proceedings on tax liens.

Mr. MILLS. Yes; this bill does not in any way affect the action by the gentleman's committee in its recent bankruptcy legislation.

Mr. ROGERS of Colorado. We passed two different measures recently, one of them being Public Law 89–495.

Mr. MILLS. That is right.

Mr. ROGERS of Colorado. Which was introduced by the gentleman from Virginia [Mr. POFF].

Mr. MILLS. That is right.

Mr. ROGERS of Colorado. In effect, that law says that in order for a lien to have the proper priority for taxes under the bankruptcy proceedings, it must be filed—in order to create a lien—according to State law.

All you propose to do here is really to implement that law in that respect?

Mr. MILLS. We are in this bill dealing with a taxpayer against whom the Government has a claim who is not in bankruptcy.

Mr. ROGERS of Colorado. I know, but that has led to a lot of difficulty. Up to a certain point in bankruptcy the courts have held that the priority of a tax lien is paramount and supersedes all other liens. At least that was the case when the matter came to the committee and when it came to the money being paid out by the referee or trustee in bankruptcy. In other words, Uncle Sam came in first, regardless.

The CHAIRMAN. The time of the gentleman from Arkansas has again expired.

Mr. MILLS. Mr. Chairman, I yield myself 2 additional minutes.

Mr. POFF. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Virginia.

Mr. POFF. Mr. Chairman, I thank the gentleman from Arkansas for yielding, and I thank my colleague, the gentleman from Colorado [Mr. ROGERS], for the point which he has made.

Mr. Chairman, in order that the legislative history might be abundantly clear, let me say that I agree entirely with the comments which have been made by the gentleman from Arkansas, the chairman of the Committee on Ways and Means.

There is nothing whatever inconsistent in what the gentleman's committee has done with what the Congress did in the passing of the bill which I authored earlier this year. More than that, may I say that what the gentleman's committee has done is entirely in harmony with what was done earlier, and in some respects promotes the clarity and purpose of that earlier action.

Mr. MILLS. I thank the gentleman from Virginia [Mr. POFF].

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Chairman, I have one general question of the distinguished chairman of the Committee on Ways and Means [Mr. MILLS]—one specific question.

Generally, is it the intent of this bill to make it easier for our Federal Government to recover under this new system of liens and priorities and superpriorities, including such liens on estate and gift taxes, and the release of liens and the seizure of property and so forth? Does it simply clarify and does it make it easier to recover in general for tax purposes, or does it protect the individual to a greater degree?

Mr. MILLS. The major provisions in this bill are designed to protect creditor's rights. Other provisions are designed to improve collection procedures both from the standpoint of the Government and from the standpoint of the taxpayers.

In the past 20 years many new types of commercial transactions have developed. This is the first time Congress has had the time to consider in depth the relationship of these new transactions to Federal tax liens.

One of the things we were concerned about it that there are so many innocent people who are unaware of any possibility of a tax lien. This is why we added several of the superpriorities. For instance, a retail merchant in one of the cities in the gentleman's congressional district might have had a tax lien recorded against him and that lien automatically attached to everything in his store. If you went and bought a refrigerator, you would be an innocent purchaser.

The CHAIRMAN. The time of the gentleman from Arkansas has again expired.

Mr. MILLS. Mr. Chairman, I yield myself 2 additional minutes.

The CHAIRMAN. The gentleman from Arkansas is recognized for 2 additional minutes.

Mr. MILLS. Yet under present law you could lose that refrigerator to the Government where a tax lien had been filed against the retailer. The bill overcomes this harsh result.

Mr. HALL. Mr. Chairman, if the gentleman will yield further, it renders safe the consumer who is making the purchase, without having to investigate whether there is a lien on the article or not and therefore protects the people?

Mr. MILLS. In that kind of case that is right. We are giving a superpriority in this case and also in seven other situations that do not now enjoy it. This

includes the one for attorney's fees which our friend from Iowa referred to and, of course, also the one which the gentleman and I have just been discussing. Of course these superpriorities are only one feature of the bill. There are many other provisions, some of which improve creditors rights and some of which deal with other matters.

Mr. HALL. If the gentleman will yield for the specific question—and I think perhaps he has already answered it—certainly if you would read into it, without discussing it, paragraph (d) of the title "Seizure of property for collection of taxes," section 104 of the bill, and appropriate sections of the code, so that in this bill that would enable the Internal Revenue to levy or mail through the Postmaster General or any Cabinet branch of the Government. The gentleman will recall that we were instrumental and testified before this House and before the Senate committee on 34 instances in which this had been done without authority and unconstitutionally within the past 2 years, this does not enhance that authority in any manner and it does not, does it, protect the individual to any greater degree?

Mr. MILLS. No; it does not change this feature of present law. This exemption is retained.

The CHAIRMAN. The gentleman from Arkansas has consumed 23 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. BYRNES].

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, I rise in support of H.R. 11256, a bill unanimously reported by the Ways and Means Committee to improve the Federal tax law with respect to the priority and effect of Federal tax liens and levies. The Federal income tax was enacted over 50 years ago—in 1913—and no comprehensive program to update the tax lien provisions has been undertaken by the Congress during this period.

The law relating to liens and levies, both Federal and State, must meet the needs of a highly sophisticated economy in which complex and varied commercial transactions play an important part. During the last 50 years our economy has undergone great change and the law governing commercial transactions has necessarily responded to changing commercial practices.

The updating of State laws governing commercial transactions has received a great deal of attention in recent years. As a result, a uniform commercial code, developed by the American Law Institute and the National Conference of Commissioners on Uniform State Laws, has been adopted in over 40 States. Although Federal law governing commercial transactions must also be adapted to the new and more sophisticated legal devices serving our highly developed economy, Federal tax law relating to liens and levies has not kept pace.

The principal concern of this comprehensive bill relates to the priority of Federal tax liens. Present tax law provides a general Federal tax lien against all the taxpayer's property—presently owned or subsequently acquired—at the time the tax is assessed. The assessment occurs when the unpaid tax liability is entered on the records of the Internal Revenue Service. However, the lien is not valid against innocent purchasers and certain creditors until the Government records the lien.

Additionally, even when the Federal Government has recorded its lien, it is not valid against a mortgagee, pledgee, or purchaser of bonds, debentures, notes, negotiable instruments, money, or other securities who do not have actual knowledge of the Government's interest. Since these items function like currency, it has long been thought impractical and unjust to introduce delay and uncertainty into monetary transactions by requiring individuals to search for a Government lien. A purchaser of a motor vehicle who has obtained possession of the vehicle without any knowledge of a recorded Federal tax lien is also protected. With these exceptions, the general Federal tax lien takes priority over the interests of other members of the public.

The present rules relating to tax liens are defective in two principal respects. First, they fail to meet the needs of our citizens for certainty and convenience in the legal rules governing their commercial dealings. Second, they often produce inequity by unfairly granting priority to the Federal Government's interests over the interests of other creditors and purchasers.

The unfairness of the current rules can be seen from examples of a typical commercial transaction. Under present law, an individual answering a newspaper ad for the sale of an inexpensive second hand television will purchase the television subject to any Federal tax lien against the seller, if recorded, even though he pays a full and fair price for the television.

Under present law, an individual going into a sporting store and purchasing a bicycle for his son's birthday, will take the bike subject to the Government's recorded tax lien against the proprietor, even though he has paid full value for the bike.

A mechanic who repairs an individual's car has long been given a "mechanics lien" against the automobile for the value of his services. Despite this, if the owner of the automobile is a taxpayer against whom a general Federal tax lien has been recorded, the value of the automobile—which has been increased by the mechanic's repairs—must first be used to satisfy the Government's lien.

In these transactions, the mechanic or the purchaser cannot be expected to search public records to ascertain whether or not a general Federal tax lien has been recorded against the seller. Possession of the property clothes the seller with all the indicia of ownership. In providing that the purchaser's interest is subject to a Federal tax lien, the present law is inequitable to the individual, and also impractical in view of the large number of small transactions in personal property that our citizens engage in. The bill reported by the Ways and Means Committee amends the law to provide protection—subject to minor limitations—to the innocent purchaser in these circumstances.

These changes are typical of many of the other amendments in the bill, and indicate the general intent and purpose of the legislation. Thus, there are provisions extending protection to banks making passport loans, and insurance companies who extend loans based on the cash surrender value of insurance polices. Other provisions provide that where a creditor has extended a continuing line of credit to a merchant secured by inventory that turns over rapidly or accounts receivable that are continually changing, he will not be required to search the public records for a Federal tax lien each time money is advanced on a new accounts receivable or replacement inventory. Under the committee's bill, the creditor would only have to search the record in these circumstances once every 45 days.

The intent of these amendments as they relate to the priority of Federal liens is to promote equity and facilitate commerce by making the legal rules governing tax liens more certain and fair.

In addition to the changes relating to the priority of the Federal tax lien, the bill makes many other changes in the rules governing the seizure of property for the collection of tax, the release of liens, and other matters generally related to the collection by the Government of delinquent tax liabilities. The changes are intended to make collection procedures more equitable and more convenient to taxpayers, the Government, and the general public.

Mr. Chairman, this legislation reflects the joint efforts of the American Bar Association, the Treasury Department, and the staff of the Joint Committee on Internal Revenue Taxation, and they are all to be commended for the work they have done on this legislation. The Ways and Means Committee and the Congress is indebted to them for their efforts. This bill represents a constructive attempt to deal with many of the difficult problems in the field of tax liens and levies, and I recommend that it be passed by the House.

The CHAIRMAN. Under the rule, the bill is considered as having been read for amendment and it shall be in order to consider the amendment in the nature of a substitute, now in the bill. No amendments are in order to the bill or the committee substitute except amendments offered by direction of the Committee on Ways and Means and such amendments shall not be subject to amendment.

The Clerk will read the committee amendment.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"SECTION 1. SHORT TITLE, ETC.

"(a) SHORT TITLE.—This Act may be cited as the 'Federal Tax Lien Act of 1966'.

"(b) AMENDMENT OF 1954 CODE.—Except as other wise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

"TITLE I—PRIORITY AND EFFECT OF TAX LIENS AND LEVIES

"SEC. 101. PRIORITY OF LIENS.

"(a) AMENDMENT OF SECTION 6323.—Section 6323 (relating to validity of tax liens against mortgagees, pledgees, purchasers, and judgment creditors) is amended to read as follows:

"'SEC. 6323. VALIDITY AND PRIORITY AGAINST CERTAIN PERSONS.

"'(a) PURCHASERS, HOLDERS OF SECURITY INTERESTS, MECHANIC'S LIENORS, AND JUDGMENT LIEN CREDITORS.—The lien imposed by section 6321 shall not be valid as against any purchaser, holder of a security interest, mechanic's lienor, or judgment lien creditor until notice thereof which meets the requirements of subsection (f) has been filed by the Secretary or his delegate.

"'(b) PROTECTION FOR CERTAIN INTERESTS EVEN THOUGH NOTICE FILED.—Even though notice of a lien imposed by section 6321 has been filed, such lien shall not be valid—

"'(1) SECURITIES.—With respect to a security (as defined in subsection (h)(4))—

"'(A) as against a purchaser of such security who at the time of purchase did not have actual notice or knowledge of the existence of such lien; and

"'(B) as against a holder of a security interest in such security who, at the time such interest came into existence, did not have actual notice or knowledge of the existence of such lien.

"'(2) MOTOR VEHICLES.—With respect to a motor vehicle (as defined in subsection (h)(3)), as against a purchaser of such motor vehicle, if—

"'(A) at the time of the purchase such purchaser did not have actual notice or knowledge of the existence of such lien, and

"'(B) before the purchaser obtains such notice or knowledge, he has acquired possession of such motor vehicle and has not thereafter relinquished possession of such motor vehicle to the seller or his agent.

"'(3) PERSONAL PROPERTY PURCHASED AT RETAIL.—With respect to tangible personal property purchased at retail, as against a purchaser in the ordinary course of the seller's trade or business, unless at the time of such purchase such purchaser intends such purchase to (or knows such purchase will) hinder, evade, or defeat the collection of any tax under this title.

"'(4) PERSONAL PROPERTY PURCHASED IN CASUAL SALE.—With respect to household goods, personal effects, or other tangible personal property described in section 6334(a) purchased (not for resale) in a casual sale for less than $250, as against the purchaser, but only if such purchaser does not have actual notice or knowledge (A) of the existence of such lien, or (B) that this sale is one of a series of sales.

"'(5) PERSONAL PROPERTY SUBJECT TO POSSESSORY LIEN.—With respect to tangible personal property subject to a lien under local law securing the reasonable price of the repair or improvement of such property, as against a holder of such a lien, if such holder is, and has been, continuously in possession of such property from the time such lien arose.

"'(6) REAL PROPERTY TAX AND SPECIAL ASSESSMENT LIENS.—With respect to real property, as against a holder of a lien upon such property, if such lien is entitled under local law to priority over security interests in such property which are prior in time, and such lien secures payment of—

"'(A) a tax of general application levied by any taxing authority based upon the value of such property;

"'(B) a special assessment imposed directly upon such property by any taxing authority, if such assessment is imposed for the purpose of defraying the cost of any public improvement; or

"'(C) charges for utilities or public services furnished to such property by the United States, a State or political subdivision thereof, or an instrumentality of any one or more of the foregoing.

"'(7) RESIDENTIAL PROPERTY SUBJECT TO A MECHANIC'S LIEN FOR CERTAIN REPAIRS AND IMPROVEMENTS.—With respect to real property subject to a lien for repair or improvement of a personal residence (containing not more than four dwelling units) occupied by the owner of such residence, as against a mechanic's lienor, but only if the contract price on the contract with the owner is not more than $1,000.

"'(8) ATTORNEYS' LIENS.—With respect to a judgment or other amount in settlement of a claim or of a cause of action, as against an attorney who, under local law, holds a lien upon or a contract enforcible against such judgment or amount, to the extent of his reasonable compensation for obtaining such judgment or procuring such settlement, except that this paragraph shall not apply to any judgment or amount in settlement of a claim or of a cause of action against the United States to the extent that the United States offsets such judgment or amount against any liability of the taxpayer to the United States.

"'(9) CERTAIN INSURANCE CONTRACTS.—With respect to a life insurance, endowment, or annuity contract, as against the organization which is the insurer under such contract, at any time—

"'(A) before such organization had actual notice or knowledge of the existence of such lien;

"'(B) after such organization had such notice or knowledge, with respect to advances required to be made automatically to maintain such contract in force under an agreement entered into before such organization had such notice or knowledge; or

"'(C) after satisfaction of a levy pursuant to section 6332(b), unless and until the Secretary or his delegate delivers to such organization a notice, executed after the date of such satisfaction, of the existence of such lien.

"'(10) PASSBOOK LOANS.—With respect to a savings deposit, share, or other account, evidenced by a passbook, with an institution described in section 581 or 591, to the extent of any loan made by such institution without actual notice or knowledge of the existence of such lien, as against such institution, if such loan is secured by such account and if such institution has been continuously in possession of such passbook from the time the loan is made.

"'(c) PROTECTION FOR CERTAIN COMMERCIAL TRANSACTIONS FINANCING AGREEMENTS, ETC.—

"'(1) IN GENERAL.—To the extent provided in this subsection, even though notice of a lien imposed by section 6321 has been filed, such lien shall not be valid with respect to a security interest which came into existence after tax lien filing but which—

"'(A) is in qualified property covered by the terms of a written agreement entered into before tax lien filing and constituting—

"'(i) a commercial transactions financing agreement,

"'(ii) a real property construction or improvement financing agreement, or

"'(iii) an obligatory disbursement agreement, and

"'(B) is protected under local law against a judgment lien arising, as of the time of tax lien filing, out of an unsecured obligation.

"'(2) COMMERCIAL TRANSACTIONS FINANCING AGREEMENT.—For purposes of this subsection—

"'(A) DEFINITION.—The term "commercial transactions financing agreement" means an agreement (entered into by a person in the course of his trade or business)—

"'(i) to make loans to the taxpayer to be secured by commercial financing security acquired by the taxpayer in the ordinary course of his trade or business, or

"'(ii) to purchase commercial financing security (other than inventory) acquired by the taxpayer in the ordinary course of his trade or business;

but such an agreement shall be treated as coming within the term only to the extent that such loan or purchase is made before the 46th day after the date of tax lien filing or (if earlier) before the lender or purchaser had actual notice or knowledge of such tax lien filing.

"'(B) LIMITATION ON QUALIFIED PROPERTY.—The term "qualified property", when used with respect to a commercial transactions financing agreement, includes only commercial financing security acquired by the taxpayer before the 46th day after the date of tax lien filing.

"'(C) COMMERCIAL FINANCING SECURITY DEFINED.—The term "commercial financing security" means (i) paper of a kind ordinarily arising in commercial transactions, (ii) accounts receivable, (iii) mortgages on real property, and (iv) inventory.

"'(D) PURCHASER TREATED AS ACQUIRING SECURITY INTEREST.—A person who satisfies subparagraph (A) by reason of clause (ii) thereof shall be treated as having acquired a security interest in commercial financing security.

"'(3) REAL PROPERTY CONSTRUCTION OR IMPROVEMENT FINANCING AGREEMENT.—For purposes of this subsection—

"'(A) DEFINITION.—The term "real property construction or improvement financing agreement" means an agreement to make cash disbursements to finance—

"'(i) the construction or improvement of real property,

"'(ii) a contract to construct or improve real property, or

"'(iii) the raising or harvesting of a farm crop or the raising of livestock or other animals.

For purposes of clause (iii), the furnishing of goods and services shall be treated, as the disbursement of cash.

"'(B) LIMITATION ON QUALIFIED PROPERTY.—The term "qualified property", when used with respect to a real property construction or improvement financing agreement, includes only—

"'(i) in the case of subparagraph (A)(i), the real property with respect to which the construction or improvement has been or is to be made,

"'(ii) in the case of subparagraph (A)(ii), the proceeds of the contract described therein, and

"'(iii) in the case of subparagraph (A)(iii), property subject to the lien imposed by section 6321 at the time of tax lien filing and the crop or the livestock or other animals referred to in subparagraph (A)(iii).

"'(4) OBLIGATORY DISBURSEMENT AGREEMENT.—For purposes of this subsection—

"'(A) DEFINITION.—The term "obligatory disbursement agreement" means an agreement (entered into by a person in the course of his trade or business) to make disbursements, but such an agreement shall be treated as coming within the term only to the extent of disbursements which are required to be made by reason of the intervention of the rights of a person other than the taxpayer.

"'(B) LIMITATION ON QUALIFIED PROPERTY.—The term "qualified property", when used with respect to an obligatory disbursement agreement, means property subject to the lien imposed by section 6321 at the time of tax lien filing and (to the extent that the acquisition is directly traceable to the disbursements referred to in subparagraph (A)) property acquired by the taxpayer after tax lien filing.

"'(C) SPECIAL RULES FOR SURETY AGREEMENTS.—Where the obligatory disbursement agreement is an agreement ensuring the per-

formance of a contract between the taxpayer and another person—

"'(i) the term "qualified property" shall be treated as also including the proceeds of the contract the performance of which was ensured, and

"'(ii) if the contract the performance of which was ensured was a contract to construct or improve real property, to produce goods, or to furnish services, the term "qualified property" shall be treated as also including any tangible personnel property used by the taxpayer in the performance of such ensured contract.

"'(d) 45-DAY PERIOD FOR MAKING DISBURSEMENTS.—Even though notice of a lien imposed by section 6321 has been filed, such lien shall not be valid with respect to a security interest which came into existence after tax lien filing by reason of disbursements made before the 46th day after the date of tax lien filing, or (if earlier) before the person making such disbursements had actual notice or knowledge of tax lien filing, but only if such security interest—

"'(1) is in property (A) subject, at the time of tax lien filing, to the lien imposed by section 6321, and (B) covered by the terms of a written agreement entered into before tax lien filing, and

"'(2) is protected under local law against a judgment lien arising, as of the time of tax lien filing, out of an unsecured obligation.

"'(e) PRIORITY OF INTEREST AND EXPENSES.—If the lien imposed by section 6321 is not valid as against a lien or security interest, the priority of such lien or security interest shall extend to—

"'(1) any interest or carrying charges upon the obligation secured,

"'(2) the reasonable charges and expenses of an indenture trustee or agent holding the security interest for the benefit of the holder of the security interest,

"'(3) the reasonable expenses, including reasonable compensation for attorneys, actually incurred in collecting or enforcing the obligation secured,

"'(4) the reasonable costs of insuring, preserving, or repairing the property to which the lien or security interest relates,

"'(5) the reasonable costs of insuring payment of the obligation secured, and

"'(6) amounts paid to satisfy any lien on the property to which the lien or security interest relates, but only if the lien so satisfied is entitled to priority over the lien imposed by section 6321,

to the extent that, under local law, any such item has the same priority as the lien or security interest to which it relates.

"'(f) PLACE FOR FILING NOTICE; FORM.—The notice referred to in subsection (a) shall be filed—

"'(1) UNDER STATE LAWS.—In the office designated by the law of the State in which the property subject to the lien is situated, whenever the State has by law designated an office within the State for the filing of such notice; or

"'(2) WITH CLERK OF DISTRICT COURT.—In the office of the clerk of the United States district court for the judicial district in which the property subject to the lien is situated, whenever the State has not by law designated an office within the State for the filing of such notice; or

"'(3) WITHIN RECORDER OF DEEDS OF THE DISTRICT OF COLUMBIA.—In the office of the Recorder of Deeds of the District of Columbia, if the property subject to the lien is situated in the District of Columbia.

If the notice filed pursuant to paragraph (1) is in such form as would be valid if filed with the clerk of the United States district court pursuant to paragraph (2), such notice shall be valid notwithstanding any law of the State regarding the form or content of a notice of lien.

"'(g) REFILING OF NOTICE.—

"'(1) IN GENERAL.—For purposes of this section, unless notice of lien is refiled (in the office in which the prior notice was filed) during the required refiling period, such notice of lien shall be treated as filed on the date on which it is filed (in accordance with subsection (f)) after the expiration of such filing period.

"'(2) REQUIRED REFILING PERIOD.—In the case of any notice of lien, the term "required refiling period" means—

"'(A) the one-year period ending 30-days after the expiration of 6 years after the date of the assessment of the tax, and

"'(B) the one-year period ending with the expiration of 6 years after the close of the preceding required refiling period for such notice of lien.

"'(3) TRANSITIONAL RULE.—Notwithstanding paragraph (2), if the assessment of the tax was made before January 1, 1962, the first required refiling period shall be the calendar year 1967.

"'(h) DEFINITIONS.—For purposes of this section and section 6324—

"'(1) SECURITY INTEREST.—The term "security interest" means any interest in property acquired by contract for the purpose of securing payment or performance of an obligation or indemnifying against loss or liability. A security interest exists at any time (A) if, at such time, the property is in existence and the interest has become protected under local law against a subsequent judgment lien arising out of an unsecured obligation, and (B) to the extent that, at such time, the holder has parted with money or money's worth.

"'(2) MECHANIC'S LIENOR.—The term "mechanic's lienor" means any person who under local law has a lien on real property (or on the proceeds of a contract relating to real property) for services, labor, or materials furnished in connection with the construction or improvement of such property. For purposes of the preceding sentence, a person has a lien on the earliest date such lien becomes valid under local law against subsequent purchasers without actual notice, but not before he begins to furnish the services, labor, or materials.

"'(3) MOTOR VEHICLE.—The term "motor vehicle" means a self-propelled vehicle which is registered for highway use under the laws of any State or foreign country.

"'(4) SECURITY.—The term "security" means any bond, debenture, note, or certificate or other evidence of indebtedness, issued by a corporation or a government or political subdivision thereof, with interest coupons or in registered form, share of stock, voting trust certificate, or any certificate of interest or participation in, certificate of deposit or receipt for, temporary or interim certificate for, or warrant or right to subscribe to or purchase, any of the foregoing; negotiable instrument; or money.

"'(5) TAX LIEN FILING.—The term 'tax lien filing' means the filing of notice (referred to in subsection (a)) of the lien imposed by section 6321.

"'(6) PURCHASER.—The term "purchaser" means a person who, for adequate and full consideration in money or money's worth, acquires an interest (other than a lien or security interest) in property which is valid under local law against subsequent purchasers without actual notice. In applying the preceding sentence for purposes of subsection (a) of this section, and for purposes of section 6324—

"'(A) a lease of property,

"'(B) a written executory contract to purchase or lease property,

"'(C) an option to purchase or lease property or any interest therein, or

"'(D) an option to renew or extend a lease of property,

which is not a lien or security interest shall be treated as an interest in property.

"'(i) SPECIAL RULES.—

"'(1) ACTUAL NOTICE OR KNOWLEDGE.—For purposes of this subchapter, an organization shall be deemed for purposes of a particular transaction to have actual notice or knowledge of any fact from the time such fact is brought to the attention of the individual conducting such transaction, and in any event from the time such fact would have been brought to such individual's attention if the organization had exercised due diligence. An organization exercises due diligence if it maintains reasonable routines for communicating significant information to the person conducting the transaction and there is reasonable compliance with the routines. Due diligence does not require an individual acting for the organization to communicate information unless such communication is part of his regular duties or unless he has reason to know of the transaction and that the transaction would be materially affected by the information.

"'(2) SUBROGATION.—Where, under local law, one person is subrogated to the rights of another with respect to a lien or interest, such person shall be subrogated to such rights for purposes of any lien imposed by section 6321 or 6324.

"'(3) DISCLOSURE OF AMOUNT OF OUTSTANDING LIEN.—If a notice of lien has been filed pursuant to subsection (f), the Secretary or his delegate is authorized to provide by regulations the extent to which, and the conditions under which, information as to the amount of the outstanding obligation secured by the lien may be disclosed.'

"(b) CLERICAL AMENDMENTS.—

"(1) The table of sections for subchapter C of chapter 64 is amended by striking out

"'Sec. 6323. Validity against mortgagees, pledgees, purchasers, and judgment creditors.'

and inserting in lieu thereof

"'Sec. 6323. Validity and priority against certain persons.'

"(2) Section 545(b)(9) is amended by striking out 'section 6323(a) (1), (2), or (3)' and inserting in lieu thereof 'section 6323(f)'.

"SEC. 102. SPECIAL LIENS FOR ESTATE AND GIFT TAXES.

"Section 6324 (relating to special liens for estate and gift taxes) is amended to read as follows:

"'SEC. 6324. SPECIAL LIENS FOR ESTATE AND GIFT TAXES.

"'(a) LIENS FOR ESTATE TAX.—Except as otherwise provided in subsection (c)—

"'(1) UPON GROSS ESTATE.—Unless the estate tax imposed by chapter 11 is sooner paid in full, or becomes unenforceable by reason of lapse of time, it shall be a lien upon the gross estate of the decedent for 10 years from the date of death, except that such part of the gross estate as is used for the payment of charges against the estate and expenses of its administration, allowed by any court having jurisdiction thereof, shall be divested of such lien.

"'(2) LIABILITY OF TRANSFEREES AND OTHERS.—If the estate tax imposed by chapter 11 is not paid when due, then the spouse, transferee, trustee (except the trustee of an employees' trust which meets the requirements of section 401(a)), surviving tenant, person in possession of the property by reason of the exercise, nonexercise, or release of a power of appointment, or beneficiary, who receives, or has on the date of the decedent's death, property included in the gross estate under sections 2034 to 2042, inclusive, to the extent of the value, at the time of the decedent's death, of such property, shall be personally liable for such tax. Any part of such property transferred by (or transferred by a transferee of) such spouse, transferee, trustee, surviving tenant, person in possession, or beneficiary, to a purchaser or holder of a security interest shall be divested of the lien provided in paragraph (1) and a like

lien shall then attach to all the property of such spouse, transferee, trustee, surviving tenant, person in possession, or beneficiary, or transferee of any such person, except any part transferred to a purchaser or a holder of a security interest.

"'(3) CONTINUANCE AFTER DISCHARGE OF EXECUTOR.—The provisions of section 2204 (relating to discharge of executor from personal liability) shall not operate as a release of any part of the gross estate from the lien for any deficiency that may thereafter be determined to be due, unless such part of the gross estate (or any interest therein) has been transferred to a purchaser or a holder of a security interest, in which case such part (or such interest) shall not be subject to a lien or to any claim or demand for any such deficiency, but the lien shall attach to the consideration received from such purchaser or holder of a security interest, by the heirs, legatees, devisees, or distributees.

"'(b) LIEN FOR GIFT TAX.—Except as otherwise provided in subsection (c), unless the gift tax imposed by chapter 12 is sooner paid in full or becomes unenforceable by reason of lapse of time, such tax shall be a lien upon all gifts made during the calendar year, for 10 years from the date the gifts are made. If the tax is not paid when due, the donee of any gift shall be personally liable for such tax to the extent of the value of such gift. Any part of the property comprised in the gift transferred by the donee (or by a transferee of the donee) to a purchaser or holder of a security interest shall be divested of the lien imposed by this subsection and such lien, to the extent of the value of such gift, shall attach to all the property (including after-acquired property) of the donee (or the transferee) except any part transferred to a purchaser or holder of a security interest.

"'EXCEPTIONS.—

"'(1) The lien imposed by subsection (a) or (b) shall not be valid as against a mechanic's lienor and, subject to the conditions provided by section 6323(b) (relating to protection for certain interests even though notice filed), shall not be valid with respect to any lien or interest described in section 6323(b).

"'(2) If a lien imposed by subsection (a) or (b) is not valid as against a lien or security interest, the priority of such lien or security interest shall extend to any item described in section 6323(e) (relating to priority of interest and expenses) to the extent that, under local law, such item has the same priority as the lien or security interest to which it relates.'

"SEC. 103. CERTIFICATES RELATING TO LIENS.

"(a) AMENDMENT OF SECTION 6325.—Section 6325 (relating to release of lien or partial discharge of property) is amended to read as follows:

"'SEC. 6325. RELEASE OF LIEN OR DISCHARGE OF PROPERTY.

"'(a) RELEASE OF LIEN.—Subject to such regulations as the Secretary or his delegate may prescribe, the Secretary or his delegate may issue a certificate of release of any lien imposed with respect to any internal revenue tax if—

"'(1) LIABILITY SATISFIED OR UNENFORCEABLE.—The Secretary or his delegate finds that the liability for the amount assessed, together with all interest in respect thereof, has been fully satisfied or has become legally unenforceable; or

"'(2) BOND ACCEPTED.—There is furnished to the Secretary or his delegate and accepted by him a bond that is conditioned upon the payment of the amount assessed, together with all interest in respect thereof, within the time prescribed by law (including any extension of such time), and that is in accordance with such requirements relating to terms, conditions, and form of the bond and sureties thereon, as may be specified by such regulations.

"'(b) DISCHARGE OF PROPERTY.—

"'(1) PROPERTY DOUBLE THE AMOUNT OF THE LIABILITY.—Subject to such regulations as the Secretary or his delegate may prescribe, the Secretary or his delegate may issue a certificate of discharge of any part of the property subject to any lien imposed under this chapter if the Secretary or his delegate finds that the fair market value of that part of such property remaining subject to the lien is at least double the amount of the unsatisfied liability secured by such lien and the amount of all other liens upon such property which have priority over such lien.

"'(2) PART PAYMENT; INTEREST OF UNITED STATES VALUELESS.—Subject to such regulations as the Secretary or his delegate may prescribe, the Secretary or his delegate may issue a certificate of discharge of any part of the property subject to the lien if—

"'(A) there is paid over to the Secretary or his delegate in partial satisfaction of the liability secured by the lien an amount determined by the Secretary or his delegate, which shall not be less than the value, as determined by the Secretary or his delegate, of the interest of the United States in the part to be so discharged, or

"'(B) the Secretary or his delegate determines at any time that the interest of the United States in the part to be so discharged has no value.

In determining the value of the interest of the United Statse in the part to be so discharged, the Secretary or his delegate shall give consideration to the value of such part and to such liens thereon as have priority over the lien of the United States.

"'(3) SUBSTITUTION OF PROCEEDS OF SALE.—Subject to such regulations as the Secretary or his delegate may prescribe, the Secretary or his delegate may issue a certificate of discharge of any part of the property subject to the lien if such part of the property is sold and, pursuant to an agreement with the Secretary or his delegate, the proceeds of such sale are to be held, as a fund subject to the liens and claims of the United States, in the same manner and with the same priority as such liens and claims had with respect to the discharged property.

"'(c) ESTATE OR GIFT TAX.—Subject to such regulations as the Secretary or his delegate may prescribe, the Secretary or his delegate may issue a certificate of discharge of any or all of the property subject to any lien imposed by section 6324 if the Secretary or his delegate finds that the liability secured by such lien has been fully satisfied or provided for.

"'(d) SUBORDINATION OF LIEN.—Subject to such regulations as the Secretary or his delegate may prescribe, the Secretary or his delegate may issue a certificate of subordination of any lien imposed by this chapter upon any part of the property subject to such lien if—

"'(1) there is paid over to the Secretary or his delegate an amount equal to the amount of the lien or interest to which the certificate subordinates the lien of the United States, or

"'(2) the Secretary or his delegate believes that the amount realizable by the United States from the property to which the certificate relates, or from any other property subject to the lien, will ultimately be increased by reason of the issuance of such certificate and that the ultimate collection of the tax liability will be facilitated by such subordination.

"'(e) NONATTACHMENT OF LIEN.—If the Secretary or his delegate determines that, because of confusion of names or otherwise, any person (other than the person against whom the tax was assessed) is or may be injured by the appearance that a notice of lien filed under section 6323 refers to such person, the Secretary or his delegate may issue a certificate that the lien does not attach to the property of such person.

"'(f) EFFECT OF CERTIFICATE.—

"'(1) CONCLUSIVENESS.—Except as provided in paragraphs (2) and (3), if a certificate is issued pursuant to this section by the Secretary or his delegate and is filed in the same office as the notice of lien to which it relates (if such notice of lien has been filed) such certificate shall have the following effect:

"'(A) in the case of a certificate of release, such certificate shall be conclusive that the lien referred to in such certificate is extinguished;

"'(B) in the case of a certificate of discharge, such certificate shall be conclusive that the property covered by such certificate is discharged from the lien;

"'(C) in the case of a certificate of subordination, such certificate shall be conclusive that the lien or interest to which the lien of the United States is subordinated is superior to the lien of the United States; and

"'(D) in the case of a certificate of nonattachment, such certificate shall be conclusive that the lien of the United States does not attach to the property of the person referred to in such certificate.

"'(2) REVOCATION OF CERTIFICATE OF RELEASE OR NONATTACHMENT.—If the Secretary or his delegate determines that a certificate of release or nonattachment of a lien imposed by section 6321 was issued erroneously or improvidently, or if a certificate of release of such lien was issued pursuant to a collateral agreement entered into in connection with a compromise under section 7122 which has been breached, and if the period of limitation on collection after assessment has not expired, the Secretary or his delegate may revoke such certificate and reinstate the lien—

"'(A) by mailing notice of such revocation to the person against whom the tax was assessed at his last known address, and

"'(B) by filing notice of such revocation in the same office in which the notice of lien to which it relates was filed (if such notice of lien had been filed).

Such reinstated lien (i) shall be effective on the date notice of revocation is mailed to the taxpayer in accordance with the provisions of subparagraph (A), but not earlier than the date on which any required filing of notice of revocation is filed in accordance with the provisions of subparagraph (B), and (ii) shall have the same force and effect (as of such date), until the expiration of the period of limitation on collection after assessment, as a lien imposed by section 6321 (relating to lien for taxes).

"'(3) CERTIFICATES VOID UNDER CERTAIN CONDITIONS.—Notwithstanding any other provision of this subtitle, any lien imposed by this chapter shall attach to any property with respect to which a certificate of discharge has been issued if the person liable for the tax reacquires such property after such certificate has been issued.

"'(g) FILING OF CERTIFICATES AND NOTICES.—If a certificate or notice issued pursuant to this section may not be filed in the office designated by State law in which the notice of lien imposed by section 6321 is filed, such certificate or notice shall be effective if filed in the office of the clerk of the United States district court for the judicial district in which such office is situated.

"'(h) CROSS REFERENCE.—

"'For provisions relating to bonds, see chapter 73 (sec. 7101 and following).'

"(b) CLERICAL AMENDMENT.—The table of sections for subchapter C of chapter 64 is amended by striking out

"'Sec. 6325. Release of lien or partial discharge of property.'

and inserting in lieu thereof

"'Sec. 6325. Release of lien or discharge of property.'

"SEC. 104. SEIZURE OF PROPERTY FOR COLLECTION OF TAXES.

"(a) EFFECT OF LEVY.—Section 6331(b) (relating to seizure and sale of property by levy and distraint) is amended by inserting after the first sentence the following new sentence: 'A levy shall extend only to property possessed and obligations existing at the time thereof.'

"(b) SURRENDER OF PROPERTY SUBJECT TO LEVY.—Section 6332 (relating to surrender of property subject to levy) is amended—

"(1) by striking out 'Any person' in subsection (a) and inserting in lieu thereof 'Except as otherwise provided in subsection (b), any person';

"(2) by amending subsection (b) to read as follows:

"'(b) SPECIAL RULE FOR LIFE INSURANCE AND ENDOWMENT CONTRACTS.—

"'(1) IN GENERAL.—A levy on an organization with respect to a life insurance or endowment contract issued by such organization shall, without necessity for the surrender of the contract document, constitute a demand by the Secretary or his delegate for payment of the amount described in paragraph (2) and the exercise of the right of the person against whom the tax is assessed to the advance of such amount. Such organization shall pay over such amount 90 days after service of notice of levy. Such notice shall include a certification by the Secretary or his delegate that a copy of such notice has been mailed to the person against whom the tax is assessed at his last known address.

"'(2) SATISFACTION OF LEVY.—Such levy shall be deemed to be satisfied if such organization pays over to the Secretary or his delegate the amount which the person against whom the tax is assessed could have had advanced to him by such organization on the date prescribed in paragraph (1) for the satisfaction of such levy, increased by the amount of any advance (including contractual interest thereon) made to such person on or after the date such organization had actual notice or knowledge (within the meaning of section 6323(i)(1)) of the existence of the lien with respect to which such levy is made, other than an advance (including contractual interest thereon) made automatically to maintain such contract in force under an agreement entered into before such organization had such notice or knowledge.

"'(3) ENFORCEMENT PROCEEDINGS.—The satisfaction of a levy under paragraph (2) shall be without prejudice to any civil action for the enforcement of any lien imposed by this title with respect to such contract.';

"(3) by redesignating subsection (c) as subsection (e); and

"(4) by inserting after subsection (b) the following new subsections:

"'(c) ENFORCEMENT OF LEVY.—

"'(1) EXTENT OF PERSONAL LIABILITY.—Any person who fails or refuses to surrender any property or rights to property, subject to levy, upon demand by the Secretary or his delegate, shall be liable in his own person and estate to the United States in a sum equal to the value of the property or rights not so surrendered, but not exceeding the amount of taxes for the collection of which such levy has been made, together with costs and interest on such sum at the rate of 6 percent per annum from the date of such levy. Any amount (other than costs) recovered under this paragraph shall be credited against the tax liability for the collection of which such levy was made.

"'(2) PENALTY FOR VIOLATION.—In addition to the personal liability imposed by paragraph (1), if any person required to surrender property or rights to property fails or refuses to surrender such property or rights to property without reasonable cause, such person shall be liable for a penalty equal to 50 percent of the amount recoverable under paragraph (1). No part of such penalty shall be credited against the tax liability for the collection of which such levy was made.

"'(d) EFFECT OF HONORING LEVY.—Any person in possession of (or obligated with respect to) property or rights to property subject to levy upon which a levy has been made who, upon demand by the Secretary or his delegate, surrenders such property or rights to property (or discharges such obligation) to the Secretary or his delegate (or who pays a liability under subsection (c)(1)) shall be discharged from any obligation or liability to the delinquent taxpayer with respect to such property or rights to property arising from such surrender or payment. In the case of a levy which is satisfied pursuant to subsection (b), such organization shall also be discharged from any obligation or liability to any beneficiary arising from such surrender or payment.'

"(c) PROPERTY EXEMPT FROM LEVY.—Section 6334 (a) (relating to enumeration of property exempt from levy) is amended—

"(1) by striking out 'or Territory' in paragraph (4); and

"(2) by adding at the end thereof the following new paragraphs:

"'(6) CERTAIN ANNUITY AND PENSION PAYMENTS.—Annuity or pension payments under the Railroad Retirement Act, benefits under the Railroad Unemployment Insurance Act, special pension payment received by a person whose name has been entered on the Army, Navy, Air Force, and Coast Guard Medal of Honor roll (38 U.S.C. 562), and annuities based on retired or retainer pay under chapter 73 of title 10 of the United States Code.

"'(7) WORKMEN'S COMPENSATION.—Any amount payable to an individual as workmen's compensation (including any portion thereof payable with respect to dependents) under a workmen's compensation law of the United States, any State, the District of Columbia, or the Commonwealth of Puerto Rico.'

"(d) PUBLICATION OF NOTICE OF SALE.—The first sentence of section 6335(b) (relating to notice of sale of seized property) is amended to read as follows: 'The Secretary or his delegate shall as soon as practicable after the seizure of the property give notice to the owner, in the manner prescribed in subsection (a), and shall cause a notification to be published in some newspaper published or generally circulated within the county wherein such seizure is made, or, if there be no newspaper published or generally circulated in such county, shall post such notice at the post office nearest the place where the seizure is made, and in not less than two other public places.

"(e) REDEMPTION PERIOD.—Paragraph (1) of section 6337(b) (relating to period of redemption of real estate after sale) is amended by striking out '1 year' and inserting in lieu thereof '120 days'.

"(f) PREPARATION OF DEED.—Section 6338(c) (relating to real property purchased by United States) is amended to read as follows:

"'(c) REAL PROPERTY PURCHASED BY UNITED STATES.—If real property is declared purchased by the United States at a sale pursuant to section 6335, the Secretary or his delegate shall at the proper time execute a deed therefor, and without delay cause such deed to be duly recorded in the proper registry of deeds.'

"(g) DISCHARGE OF JUNIOR ENCUMBRANCES.—Section 6339 (relating to legal effect of certificate of sale of personal property and deed of real property) is amended by adding at the end thereof the following new subsections:

"'EFFECT OF JUNIOR ENCUMBRANCES.—A certificate of sale of personal property given or a deed to real property executed pursuant to section 6338 shall discharge such property from all liens, encumbrances, and titles over which the lien of the United States with respect to which the levy was made had priority.

"'(d) CROSS REFERENCES.—

"'(1) For distribution of surplus proceeds, see section 6342(b).

"'(2) For judicial procedure with respect to surplus proceeds, see section 7426(a)(2).'

"(h) APPLICATION OF PROCEEDS OF LEVY AND SALE.—Subsection (a) of section 6342 (relating to collection of liability) is amended—

"(1) by striking out so much thereof as precedes paragraph (1) and inserting in lieu thereof

"'(a) COLLECTION OF LIABILITY.—Any money realized by proceedings under this subchapter (whether by seizure, by surrender under section 6332 (except pursuant to subsection (c)(2) thereof), or by sale of seized property) or by sale of property redeemed by the United States (if the interest of the United States in such property was a lien arising under the provisions of this title) shall be applied as follows:';

"(2) by striking out 'under this subchapter' in paragraph (1); and

"(3) by adding 'or the sale was conducted' after 'levy was made' in paragraph (3).

"(i) RETURN OF PROPERTY.—Section 6343 (relating to authority to release levy) is amended—

"(1) by striking out the heading of such section and inserting in lieu thereof the following:

"'SEC. 6343. AUTHORITY TO RELEASE LEVY AND RETURN PROPERTY.';

"(2) by striking out 'It shall be' and inserting in lieu thereof '(a) RELEASE OF LEVY.—It shall be'; and

"(3) by adding at the end thereof the following new subsection:

"'(b) RETURN OF PROPERTY.—If the Secretary or his delegate determines that property has been wrongfully levied upon, it shall be lawful for the Secretary or his delegate to return—

"'(1) the specific property levied upon,

"'(2) an amount of money equal to the amount of money levied upon, or

"'(3) an amount of money equal to the amount of money received by the United States from a sale of such property.

Property may be returned at any time. An amount equal to the amount of money levied upon or received from such sale may be returned at any time before the expiration of 9 months from the date of such levy. For purposes of paragraph (3), if property is declared purchased by the United States at a sale pursuant to section 6335(e) (relating to manner and conditions of sale), the United States shall be treated as having received an amount of money equal to the minimum price determined pursuant to such section or (if larger) the amount received by the United States from the resale of such property.'

"(j) CLERICAL AMENDMENT.—The table of sections for subchapter D of chapter 64 is amended by striking out—

"'Sec. 6343. Authority to release levy.'

and inserting in lieu thereof

"'Sec. 6343. Authority to release levy and return property.'

"SEC. 105. LIABILITY FOR WITHHELD TAXES.

"(a) EFFECT ON THIRD PARTIES.—Chapter 25 (relating to general provisions relating to employment taxes) is amended by adding at the end thereof the following new section:

"'SEC. 3505. LIABILITY OF THIRD PARTIES PAYING OR PROVIDING FOR WAGES.

"'(a) DIRECT PAYMENT BY THIRD PARTIES.—For purposes of sections 3102, 3202, 3402, and 3403, if a lender, surety, or other person, who is not an employer under such sections with respect to an employee or group of employees, pays wages directly to such an employee or group of employees, employed by one or more employers, or to an agent on behalf of such employee or employees, such lender,

surety, or other person shall be liable in his own person and estate to the United States in a sum equal to the taxes (together with interest) required to be deducted and withheld from such wages by such employer.

"'(b) PERSONAL LIABILITY WHERE FUNDS ARE SUPPLIED.—If a lender, surety, or other person supplies funds to or for the account of an employer for the specific purpose of paying wages of the employees of such employer, with actual notice or knowledge (within the meaning of section 6323(l)(1)) that such employer does not intend to or will not be able to make timely payment or deposit of the amounts of tax required by this subtitle to be deducted and withheld by such employer from such wages, such lender, surety, or other person shall be liable in his own person and estate to the United States in a sum equal to the taxes (together with interest) which are not paid over to the United States by such employer with respect to such wages. However, the liability of such lender, surety, or other person shall be limited to an amount equal to 25 percent of the amount so supplied to or for the account of such employer for such purpose.

"'(c) EFFECT OF PAYMENT.—Any amounts paid to the United States pursuant to this section shall be credited against the liability of the employer.'

"(b) PERFORMANCE BONDS OF CONTRACTORS FOR PUBLIC BUILDINGS OR WORKS.—The first section of the Act entitled 'An Act requiring contracts for the construction, alteration, and repair of any public building or public work of the United States to be accompanied by a performance bond protecting the United States and by an additional bond for the protection of persons furnishing material and labor for the construction, alteration, or repair of said public buildings or public work', approved August 24, 1935 (49 Stat. 793; 40 U.S.C. 270a), is amended by adding at the end thereof the following new subsection:

"'(d) Every performance bond required under this section shall specifically provide coverage for taxes imposed by the United States which are collected, deducted, or withheld from wages paid by the contractor in carrying out the contract with respect to which such bond is furnished. However, the United States shall give the surety or sureties on such bond written notice, with respect to any such unpaid taxes attributable to any period, within ninety days after the date when such contractor files a return for such period, except that no such notice shall be given more than one hundred and eighty days from the date when a return for the period was required to be filed under the Internal Revenue Code of 1954. No suit on such bond for such taxes shall be commenced by the United States unless notice is given as provided in the preceding sentence, and no such suit shall be commenced after the expiration of one year after the day on which such notice is given.'

"(c) CLERICAL AMENDMENT.—The table of sections for chapter 25 is amended by adding at the end thereof of the following:

"'Sec. 3505. Liability of third parties paying or providing for wages.'

"SEC. 106. SUSPENSION OF RUNNING OF PERIOD OF LIMITATION.

"(a) ASSETS OF ESTATE OF DECEDENT OR INCOMPETENT.—Section 6503(b) (relating to assets of taxpayer in control or custody of court) is amended by striking out '(other than the estate of a decedent or of an incompetent)' and 'or Territory'.

"(b) COLLECTION HINDERED BY ABSENCE OF TAXPAYER.—Section 6503(c) (relating to location of property outside the United States or removal of property from the United States) is amended to read as follows:

"'(c) TAXPAYER OUTSIDE UNITED STATES.—The running of the period of limitations on collection after assessment prescribed in section 6502 shall be suspended for the period during which the taxpayer is outside the United States if such period of absence is for a continuous period of at least 6 months. If the preceding sentence applies and at the time of the taxpayer's return to the United States the period of limitations on collection after assessment prescribed in section 6502 would expire before the expiration of 6 months from the date of his return, such period shall not expire before the expiration of such 6 months.'

"(c) WRONGFUL SEIZURE OF PROPERTY OF THIRD PARTIES.—Section 6503 (relating to suspension of running of period of limitation) is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

"'(g) WRONGFUL SEIZURE OF PROPERTY OF THIRD PARTY.—The running of the period of limitations on collection after assessment prescribed in section 6502 shall be suspended for a period equal to the period from the date property (including money) of a third party is wrongfully seized or received by the Secretary or his delegate to the date the Secretary or his delegate returns property pursuant to section 6343(b) or the date on which a judgment secured pursuant to section 7426 with respect to such property becomes final, and for 30 days thereafter. The running of the period of limitations on collection after assessment shall be suspended under this subsection only with respect to the amount of such assessment equal to the amount of money or the value of specific property returned.'

"SEC. 107. PROCEEDINGS WHERE UNITED STATES HAS TITLE TO PROPERTY.

"(a) ACTION TO QUIET TITLE.—Section 7402 (relating to jurisdiction of district courts) is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

"'(e) TO QUIET TITLE.—The United States district courts shall have jurisdiction of any action brought by the United States to quiet title to property if the title claimed by the United States to such property was derived from enforcement of a lien under this title.'

"(b) SALE BIDS.—Section 7403(c) (relating to adjudication and decree) is amended by adding at the end thereof the following new sentence: 'If the property is sold to satisfy a first lien held by the United States, the United States may bid at the sale such sum, not exceeding the amount of such lien with expenses of sale, as the Secretary or his delegate directs.'

"SEC. 108. INTERVENTION BY UNITED STATES.

"Section 7424 (relating to civil action to clear title to property) is amended to read as follows:

"SEC. 7424. INTERVENTION.

"'If the United States is not a party to a civil action or suit, the United States may intervene in such action or suit to assert any lien arising under this title on the property which is the subject of such action or suit. The provisions of section 2410 of title 28 of the United States Code (except subsection (b)) and of section 1444 of title 28 of the United States Code shall apply in any case in which the United States intervenes as if the United States had originally been named a defendant in such action or suit. In any case in which the application of the United States to intervene is denied, the adjudication in such civil action or suit shall have no effect upon such lien.'

"SEC. 109. DISCHARGE OF LIENS HELD BY UNITED STATES.

"Subchapter B of chapter 76 (relating to proceedings by taxpayers) is amended by redesignating section 7425 as section 7427 and by inserting after section 7424 the following new section:

"'SEC. 7425 DISCHARGE OF LIENS.

"'(a) JUDICIAL PROCEEDINGS.—If the United States is not joined as a party, a judgment in any civil action or suit described in subsection (a) of section 2410 of title 28 of the United States Code, or a judicial sale pursuant to such a judgment, with respect to property on which the United States has or claims a lien under the provisions of this title—

"'(1) shall be made subject to and without disturbing the lien of the United States, if notice of such lien has been filed in the place provided by law for such filing at the time such action or suit is commenced, or

"'(2) shall have the same effect with respect to the discharge or divestment of such lien of the United States as may be provided with respect to such matters by the local law of the place where such property is situated, if no notice of such lien has been filed in the place provided by law for such filing at the time such action or suit is commenced or if the law makes no provision for such filing.

If a judicial sale of property pursuant to a judgment in any civil action or suit to which the United States is not a party discharges a lien of the United States arising under the provisions of this title, the United States may claim, with the same priority as its lien had against the property sold, the proceeds (exclusive of costs) of such sale at any time before the distribution of such proceeds is ordered.

"'(b) OTHER SALES.—Notwithstanding subsection (a), a sale of property on which the United States has or claims a lien, or a title derived from enforcement of a lien, under the provisions of this title, made pursuant to an instrument creating a lien on such property, pursuant to a confession of judgment on the obligation secured by such an instrument, or pursuant to a nonjudicial sale under a statutory lien on such property—

"'(1) shall, except as otherwise provided, be made subject to and without disturbing such lien or title, if notice of this lien was filed or such title recorded in the place provided by law for such filing or recording more than 30 days before such sale and the United States is not given notice of such sale in the manner prescribed in subsection (c)(1); or

"'(2) shall have the same effect with respect to the discharge or divestment of such lien or such title of the United States, as may be provided with respect to such matters by the local law of the place where such property is situated, if—

"'(A) notice of such lien or such title was not filed or recorded in the place provided by law for such filing more than 30 days before such sale,

"'(B) the law makes no provision for such filing, or

"'(C) notice of such sale is given in the manner prescribed in subsection (c)(1).

"'(c) SPECIAL RULES.—

"'(1) NOTICE OF SALE.—Notice of a sale to which subsection (b) applies shall be given (in accordance with regulations prescribed by the Secretary or his delegate) in writing, by registered or certified mail or by personal service, not less than 25 days prior to such sale, to the Secretary or his delegate.

"'(2) CONSENT TO SALE.—Notwithstanding the notice requirement of subsection (b)(2)(C), a sale described in subsection (b) of property shall discharge or divest such property of the lien or title of the United States if the United States consents to the sale of such property free of such lien or title.

"'(3) SALE OF PERISHABLE GOODS.—Notwithstanding the notice requirement of subsection (b)(2)(C), a sale described in subsection (b) of property liable to perish or become greatly reduced in price or value by keeping, or which cannot be kept without great expense, shall discharge or divest such property of the lien or title of the United States if notice of such sale is given (in

accordance with regulations prescribed by the Secretary or his delegate) in writing, by registered or certified mail or by personal service, to the Secretary or his delegate before such sale. The proceeds (exclusive of costs) of such sale shall be held as a fund subject to the liens and claims of the United States, in the same manner and with the same priority as such liens and claims had with respect to the property sold, for not less than 30 days after the date of such sale.

"'(d) REDEMPTION BY UNITED STATES.—

"'(1) RIGHT TO REDEEM.—In the case of a sale of real property to which subsection (b) applies to satisfy a lien prior to that of the United States, the Secretary or his delegate may redeem such property within the period of 120 days from the date of such sale or the period allowable for redemption under local law, whichever is longer.

"'(2) AMOUNT TO BE PAID.—In any case in which the United States redeems real property pursuant to paragraph (1), the amount to be paid for such property shall be the amount prescribed by subsection (d) of section 2410 of title 28 of the United States Code.

"'(3) CERTIFICATE OF REDEMPTION.—

"'(A) IN GENERAL.—In any case in which real property is redeemed by the United States pursuant to this subsection, the Secretary or his delegate shall apply to the officer designated by local law, if any, for the documents necessary to evidence the fact of redemption and to record title to such property in the name of the United States. If no such officer is designated by local law or if such officer fails to issue such documents, the Secretary or his delegate shall execute a certificate of redemption therefor.

"'(B) FILING.—The Secretary or his delegate shall, without delay, cause such documents or certificate to be duly recorded in the proper registry of deeds. If the State in which the real property redeemed by the United States is situated has not by law designated an office in which such certificate may be recorded, the Secretary or his delegate shall file such certificate in the office of the clerk of the United States district court for the judicial district in which such property is situated.

"'(C) EFFECT.—A certificate of redemption executed by the Secretary or his delegate shall constitute prima facie evidence of the regularity of such redemption and shall, when recorded, transfer to the United States all the rights, title, and interest in and to such property acquired by the person from whom the United States redeems such property by virtue of the sale of such property.'

"SEC. 110. PROCEEDINGS BY THIRD PARTIES AGAINST THE UNITED STATES.

"(a) ACTIONS BY THIRD PARTIES.—Subchapter B of chapter 76 (relating to proceedings by taxpayers) is amended by inserting after section 7425 (as added by section 109 of this Act) the following new section:

"'SEC. 7426. CIVIL ACTIONS BY PERSONS OTHER THAN TAXPAYERS.

"'(a) ACTIONS PERMITTED.—

"'(1) WRONGFUL LEVY.—If a levy has been made on property or property has been sold pursuant to a levy, any person (other than the person against whom is assessed the tax out of which such levy arose) who claims an interest in or lien on such property and that such property was wrongfully levied upon may bring a civil action against the United States in a district court of the United States. Such action may be brought without regard to whether such property has been surrendered to or sold by the Secretary or his delegate.

"'(2) SURPLUS PROCEEDS.—If property has been sold pursuant to a levy, any person (other than the person against whom is assessed the tax out of which such levy arose) who claims an interest in or lien on such property junior to that of the United States and to be legally entitled to the surplus proceeds of such sale may bring a civil action against the United States in a district court of the United States.

"'(3) SUBSTITUTED SALE PROCEEDS.—If property has been sold pursuant to an agreement described in section 6325(b)(3) (relating to substitution of proceeds of sale), any person who claims to be legally entitled to all or any part of the amount held as a fund pursuant to such agreement may bring a civil action against the United States in a district court of the United States.

"'(b) ADJUDICATION.—The district court shall have jurisdiction to grant only such of the following forms of relief as may be appropriate in the circumstances:

"'(1) INJUNCTION.—If a levy or sale would irreparably injure rights in property which the court determines to be superior to rights of the United States in such property, the court may grant an injunction to prohibit the enforcement of such levy or to prohibit such sale.

"'(2) RECOVERY OF PROPERTY.—If the court determines that such property has been wrongfully levied upon, the court may—

"'(A) order the return of specific property if the United States is in possession of such property;

"'(B) grant a judgment for the amount of money levied upon; or

"'(C) grant a judgment for an amount not exceeding the amount received by the United States from the sale of such property. For purposes of subparagraph (C), if the property was declared purchased by the United States at a sale pursuant to section 6335(c) (relating to manner and conditions of sale), the United States shall be treated as having received an amount equal to the minimum price determined pursuant to such section or (if larger) the amount received by the United States from the resale of such property.

"'(3) SURPLUS PROCEEDS.—If the court determines that the interest or lien of any party to an action under this section was transferred to the proceeds of a sale of such property, the court may grant a judgment in an amount equal to all or any part of the amount of the surplus proceeds of such sale.

"'(4) SUBSTITUTED SALE PROCEEDS.—If the court determines that a party has an interest in or lien on the amount held as a fund pursuant to an agreement described in section 6325(b)(3) (relating to substitution of proceeds of sale), the court may grant a judgment in an amount equal to all or any part of the amount of such fund.

"'(c) VALIDITY OF ASSESSMENT.—For purposes of an adjudication under this section, the assessment of tax upon which the interest or lien of the United States is based shall be conclusively presumed to be valid.

"'(d) LIMITATION ON RIGHTS OF ACTION.—No action may be maintained against any officer or employee of the United States (or former officer or employee) or his personal representative with respect to any acts for which an action could be maintained under this section.

"'(e) SUBSTITUTION OF UNITED STATES AS PARTY.—If an action, which could be brought against the United States under this section, is improperly brought against any officer or employee of the United States (or former officer or employee) or his personal representative, the court shall order, upon such terms as are just, that the pleadings be amended to substitute the United States as a party for such officer or employee as of the time such action was commenced upon proper service of process on the United States.

"'(f) PROVISION INAPPLICABLE.—The provisions of section 7422(a) (relating to prohibition of suit prior to filing claim for refund) shall not apply to actions under this section.

"'(g) INTEREST.—Interest shall be allowed at the rate of 6 percent per annum—

"'(1) in the case of a judgment pursuant to subsection (b)(2)(B), from the date the Secretary or his delegate receives the money wrongfully levied upon to the date of payment of such judgment; and

"'(2) in the case of a judgment pursuant to subsection (b)(2)(C), from the date of the sale of the property wrongfully levied upon to the date of payment of such judgment.

"'(h) CROSS REFERENCE.—

"'For period of limitation, see section 6532(c).'

"(b) PERIOD OF LIMITATION ON SUIT.—Section 6532 (relating to period of limitation on suits) is amended by adding at the end thereof the following new subsection:

"'(c) SUITS BY PERSONS OTHER THAN TAXPAYERS.—

"'(c) GENERAL RULE.—Except as provided by paragraph (2), no suit or proceeding under section 7426 shall be begun after the expiration of 9 months from the date of the levy or agreement giving rise to such action.

"'(2) PERIOD WHEN CLAIM IS FILED.—If a request is made for the return of property described in section 6343(b), the 9-month period prescribed in paragraph (1) shall be extended for a period of 12 months from the date of filing of such request or for a period of 6 months from the date of mailing by registered or certified mail by the Secretary or his delegate to the person making such request of a notice of disallowance of the part of the request to which the action relates, whichever is shorter.'

"(c) PROHIBITION OF SUITS TO RESTRAIN ASSESSMENT OR COLLECTION.—Section 7421(a) (relating to prohibition of suits to restrain assessment or collection of tax) is amended to read as follows:

"'(a) TAX.—Except as provided in sections 6212 (a) and (c), 6213(a), and 7426 (a) and (b)(1), no suit for the purpose of restraining the assessment or collection of any tax shall be maintained in any court by any person, whether or not such person is the person against whom such tax was assessed.'

"(d) CLERICAL AMENDMENTS.—

"(1) The heading of subchapter B of chapter 76 is amended to read as follows:

"'SUBCHAPTER B—PROCEEDINGS BY TAXPAYERS AND THIRD PARTIES'

"(2) The table of sections for subchapter B of chapter 76 is amended by striking out

"'Sec. 7424. Civil action to clear title to property.

"'Sec. 7425. Cross references.'

and inserting in lieu thereof

"'Sec. 7424. Intervention.

"'Sec. 7425. Discharge of liens.

"'Sec. 7426. Civil actions by persons other than taxpayers.

"'Sec. 7427. Cross references.'

"(3) The table of subchapters for chapter 76 is amended by striking out

"'SUBCHAPTER B. Proceedings by Taxpayers.'

and inserting in lieu thereof

"'SUBCHAPTER B. Proceedings by Taxpayers and Third Parties.'

"SEC. 111. SALE OF PROPERTY ACQUIRED BY UNITED STATES.

"(a) PERSONAL PROPERTY ACQUIRED.—Section 7505(a) (relating to sale of personal property purchased by the United States) is amended by striking out 'purchased by the United States under the authority of section 6335(e) (relating to purchase for the account of the United States of property sold under levy)' and inserting in lieu thereof 'acquired by the United States in payment of or as security for debts arising under the internal revenue laws'.

"(b) REAL PROPERTY REDEEMED.—Section 7506(a) (relating to person charged with administration of real estate acquired by the United States) is amended by striking

out 'for the payment of such debts,' and inserting in lieu thereof 'for the payment of such debts, or which has been redeemed by the United States,'.

"(a) CLERICAL AMENDMENTS.—

"(1) The heading of section 7505 is amended by striking out 'PURCHASED' and inserting in lieu thereof 'ACQUIRED';

"(2) The table of sections for chapter 77 is amended by striking out

"'Sec. 7505. Sale of personal property purchased by the United States'

and inserting in lieu thereof

"'Sec. 7505. Sale of personal property acquired by the United States.'

"SEC. 112. FUND FOR REDEMPTION OF REAL PROPERTY BY UNITED STATES.

"(a) CREATION OF FUND FOR REDEMPTION OF REAL PROPERTY.—Subchapter A of chapter 80 (relating to application of internal revenue laws) is amended by adding at the end thereof the following new section:

"'SEC. 7810. REVOLVING FUND FOR REDEMPTION OF REAL PROPERTY.

"'(a) ESTABLISHMENT OF FUND.—There is established a revolving fund, under the control of the Secretary or his delegate, which shall be available without fiscal year limitation for all expenses necessary for the redemption (by the Secretary or his delegate) of real property as provided in section 7425 (d) and section 2410 of title 28 of the United States Code. There are authorized to be appropriated from time to time such sums (not to exceed $1,000,000 in the aggregate) as may be necessary to carry out the purposes of this section.

"'(b) REIMBURSEMENT OF FUND.—The fund shall be reimbursed from the proceeds of a subsequent sale of real property redeemed by the United States in an amount equal to the amount expended out of such fund for such redemption.

"'(c) SYSTEM OF ACCOUNTS.—The Secretary or his delegate shall maintain an adequate system of accounts for such fund and prepare annual reports on the basis of such accounts.'

"(b) DEPOSIT OF MONEY RECEIVED.—Section 7809 (relating to deposit of collections) is amended by striking out 'and 7654,' in subsection (a) and inserting in lieu thereof '7654, and 7810,'; and by amending subsection (b)—

"(1) by striking out 'and' at the end of paragraph (2),

"(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof '; and', and

"(3) by inserting after paragraph (3) the following new paragraph:

"'(4) SURPLUS PROCEEDS IN SALES OF REDEEMED PROPERTY.—Surplus proceeds in any sale under section 7506 of real property redeemed by the United States, after making allowance for the amount of the tax, interest, penalties, and additions thereto, and for the costs of sale.'

"(c) CLERICAL AMENDMENT. The table of sections for subchapter A of chapter 80 is amended by adding at the end thereof the following:

"'Sec. 7810. Revolving fund for redemption of real property.'

"SEC. 113. EFFECT OF JUDGMENT ON TAX LIEN AND LEVY.

"(a) LIEN NOT MERGED IN JUDGMENT.—Section 6322 (relating to period of lien) is amended by inserting after 'liability for the amount so assessed' the following: '(or a judgment against the taxpayer arising out of such liability)'.

"(b) LEVY.—Section 6502(a) (relating to length of period for collection after assessment) is amended by adding at the end thereof the following new sentence: 'The period provided by this subsection during which a tax may be collected by levy shall not be extended or curtailed by reason of a judgment against the taxpayer.'

"SEC. 114. EFFECTIVE DATE.

"(a) GENERAL RULE.—Except as otherwise provided, the amendments made by this title shall apply after the date of enactment of this Act, regardless of when a lien or a title of the United States arose or when the lien or interest of any other person was acquired.

"(b) EXCEPTIONS.—The amendments made by this title shall not apply in any case—

"(1) in which a lien or a title derived from enforcement of a lien held by the United States has been enforced by a civil action or suit which has become final by judgment, sale, or agreement before the date of enactment of this Act; or

"(2) in which such amendments would—

"(A) impair a priority enjoyed by any person (other than the United States) holding a lien or interest prior to the date of enactment of this Act;

"(B) operate to increase the liability of any such person; or

"(C) shorten the time for bringing suit with respect to transactions occurring before the date of enactment of this Act.

"LIABILITY FOR WITHHELD TAXES.—

"(1) The amendments made by section 105(a) (relating to effect on third parties) shall apply only with respect to wages paid on or after January 1, 1967.

"(2) The amendments made by section 105(b) (relating to performance bonds of contractors for public buildings or works) shall apply to contracts entered into pursuant to invitations for bids issued after June 30, 1967.

"(d) CIVIL ACTION TO CLEAR TITLE TO PROPERTY.—If, before the date of enactment of this Act, any person has commenced a civil action to clear title to property pursuant to section 7424 of the Internal Revenue Code of 1954 as in effect immediately before the enactment of this Act, such action shall be determined in accordance with section 7424 of such Code as in effect immediately before the enactment of this Act.

"TITLE II—CONSENT OF UNITED STATES TO BE SUED IN ACTIONS AFFECTING PROPERTY IN WHICH IT HAS A LIEN OR INTEREST

"SEC. 201. JOINDER OF UNITED STATES IN CERTAIN PROCEEDINGS.

"Section 2410 of title 28 of the United States Code is amended by redesignating subsection (d) as subsection (e) and by striking out subsections (a), (b), and (c) and inserting in lieu thereof the following new subsections:

"'(a) Under the conditions prescribed in this section and section 1444 of this title for the protection of the United States, the United States may be named a party in any civil action or suit in any district court, or in any State court having jurisdiction of the subject matter—

"'(1) to quiet title to,

"'(2) to foreclose a mortgage or other lien upon,

"'(3) to partition,

"'(4) to condemn, or

"'(5) of interpleader or in the nature of interpleader with respect to,

real or personal property on which the United States has or claims a mortgage or other lien.

"'(b) The complaint or pleading shall set forth with particularity the nature of the interest or lien of the United States. In actions or suits involving liens arising under the internal revenue laws, the complaint or pleading shall include the name and address of the taxpayer whose liability created the lien and, if a notice of the tax lien was filed, the identity of the internal revenue office which filed the notice, and the date and place such notice of lien was filed. In actions in the State courts service upon the United States shall be made by serving the process of the court with a copy of the complaint upon the United States attorney for the district in which the action is brought or upon an assistant United States attorney or clerical employee designated by the United States attorney in writing filed with the clerk of the court in which the action is brought and by sending copies of the process and complaint, by registered mail, or by certified mail, to the Attorney General of the United States at Washington, District of Columbia. In such actions the United States may appear and answer, plead or demur within sixty days after such service or such further time as the court may allow.

"'(c) A judgment or decree in such action or suit shall have the same effect respecting the discharge of the property from the mortgage or other lien held by the United States as may be provided with respect to such matters by the local law of the place where the court is situated. However, an action to foreclose a mortgage or other lien, naming the United States as a party under this section, must seek judicial sale. A sale to satisfy a lien inferior to one of the United States shall be made subject to and without disturbing the lien of the United States, unless the United States consents that the property may be sold free of its lien and the proceeds divided as the parties may be entitled. Where a sale of real estate is made to satisfy a lien prior to that of the United States, the United States shall have one year from the date of sale within which to redeem, except that with respect to a lien arising under the internal revenue laws the period shall be 120 days or the period allowable for redemption under State law, whichever is longer, and in any case in which, under the provisions of section 505 of the Housing Act of 1950, as amended (12 U.S.C. 1701k), and subsection (d) of section 1820 of title 38 of the United States Code, the right to redeem does not arise, there shall be no right of redemption. In any case where the debt owing the United States is due, the United States may ask, by way of affirmative relief, for the foreclosure of its own lien and where property is sold to satisfy a first lien held by the United States, the United States may bid at the sale such sum, not exceeding the amount of its claim with expenses of sale, as may be directed by the head (or his delegate) of the department or agency of the United States which has charge of the administration of the laws in respect to which the claim of the United States arises.

"'(d) In any case in which the United States redeems real property under this section or section 7425 of the Internal Revenue Code of 1954, the amount to be paid for such property shall be the sum of—

"'(1) the actual amount paid by the purchaser at such sale (which, in the case of a purchaser who is the holder of the lien being foreclosed, shall include the amount of the obligation secured by such lien to the extent satisfied by reason of such sale),

"'(2) interest on the amount paid (as determined under paragraph (1)) at 6 percent per annum from the date of such sale, and

"'(3) the amount (if any) equal to the excess of (A) the expenses necessarily incurred in connection with such property, over (B) the income from such property plus (to the extent such property is used by the purchaser) a reasonable rental value of such property.'

"SEC. 202. JURISDICTION AND VENUE IN CERTAIN ACTIONS AGAINST UNITED STATES

"(a) JURISDICTION IN PROCEEDINGS BROUGHT BY THIRD PARTIES.—Section 1346 of title 28 of the United States Code is amended by adding at the end thereof the following new subsection:

"'(e) The district courts shall have original jurisdiction of any civil action against

the United States provided in section 7426 of the Internal Revenue Code of 1954.'

"(b) VENUE IN PROCEEDINGS BROUGHT BY THIRD PARTIES.—Section 1402 of title 28 of the United States Code is amended by adding at the end thereof the following new subsection:

"'(c) Any civil action against the United States under subsection (e) of section 1346 of this title may be prosecuted only in the judicial district where the property is situated at the time of levy, or if no levy is made, in the judicial district in which the event occurred which gave rise to the cause of action.'

"SEC 203. EFFECTIVE DATE

"The amendments made by this title shall apply after the date of the enactment of this Act."

Mr. MILLS (during the reading of the committee amendment). Mr. Chairman, I ask unanimous consent that the committee amendment be considered as having been read and printed in the RECORD at this point.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BOGGS) having resumed the chair, Mr. PICKLE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, had under consideration the bill (H.R. 11256) to amend the Internal Revenue Code of 1954 with respect to the priority and effect of Federal tax liens and levies, and for other purposes, pursuant to House Resolution 1005, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

The SPEAKER pro tempore. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. MILLS. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may extend their remarks in the RECORD just prior to the passage of the bill.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

GENERAL LEAVE TO REVISE AND EXTEND

Mr. MILLS. Mr. Speaker, I ask unanimous consent that those of us who spoke on the bill just passed may be permitted to revise and extend our remarks.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

PRESIDENT'S MESSAGE RECOGNIZES NEED TO LOWER INTEREST RATES

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, last Thursday, President Johnson sent the Congress an important message on his plans to strengthen the economy.

In this message, the President recognized the critical need to bring down the extortionate interest rates which are choking the American consumer and many segments of the economy. I applaud the President's recognition of the need to do something about interest rates and his other efforts to improve the economy.

On Friday, I issued the following release on the President's message. I place this in the RECORD at this point:

THE PRESIDENT'S MESSAGE ON STRENGTHENING THE ECONOMY (SUPPORT FOR LOWER INTEREST RATES)

(A release from the office of WRIGHT PATMAN, chairman, House Banking and Currency Committee)

I want to welcome and offer my heartfelt support to the President's plea that something be done to bring down interest rates. I believe that over the years I have made it abundantly clear about where I stand on the question of high interest rates and their effect on the people of this country.

The currently exorbitant rates set by the Federal Reserve Board were foisted upon us under the guise of avoiding inflation. They were supposed to discourage excessive business investment in plant expansion. They were supposed to reduce excessive demands by cutting back on credit.

Of course, they have done nothing of the kind. Plant and equipment investment are up 17 percent this year over last year. This week's Commerce-SEC survey shows no weakening in the investment boom despite the tight money and the slump in the stock market. In spite of tight money, external funds raised by corporations were up 26 percent in the first half of 1966 versus the first half of 1965.

Corporate bond issues were up 82 percent in the same period, and bank loans to business in the first seven months of 1966 were up 22 percent. I would like to add that a good portion of that increase in loans to business represents money diverted from mortgages and home building.

The attempt to control inflationary pressures by high interest rates has failed, as I predicted it would when the Federal Reserve Board first started on this course. It has had exactly the opposite effect, because large industries have been willing and able to continue their expansion programs and passed the higher interest rates along to their customers.

The only people who have benefited from this monetary famine have been the commercial banks. They always have the choice, if they really wanted to help, of placing appropriate ceilings on the amount of credit they were willing to make available. They chose, predictably, to make every dollar the traffic would bear. They have been heedless of the long-range effects on our economy. They have been deaf to the importunities of the young couple who cannot buy a house, or the smaller builder, who cannot sell to them for lack of mortgage money, they have been indifferent to the widening drain on family finances.

I welcome the President's stated intention to keep the sale of Federal securities at a minimum during the months ahead. I believe this will help reduce current pressures on the money market and on interest rates.

The high cost of credit which has come about because of the actions taken by the Federal Reserve Board and the banks have not slowed down big business investment, which is where most of the trouble lies. Instead they have placed an enormous and unfair burden on those least able to pay—the home owner, the small businessman, and the wage earner.

I am pleased that the President in his message has called upon the Federal Reserve Board to cooperate in lowering interest rates and more fairly assist in allocating credit. This, of course, the President has every right to do under his constitutional duty to see that the laws are faithfully executed as well as under the Employment Act of 1946, which requires the President to coordinate all the functions, powers and resources of the Government in his economic program for achieving the objectives of that Act.

If the President's directives and legislative requests contained in his message on Strengthening the Economy are complied with, I am sure we can maintain a healthy and balanced economy without placing unfair demands on any group or individual.

THE PRESIDENT'S MESSAGE ON STRENGTHENING THE ECONOMY

Mr. MOSS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MOSS. Mr. Speaker, the fundamental ingredient in democracy is responsibility. Democracy rests on the assumption that every citizen, every segment of the economy, each region of a nation, every part of society, each branch and agency and level of government will play its full part.

If any fails to bear its full share, the whole nation suffers.

The President has outlined a program to deal with the danger of overheating in the economy. Under his program, we all have a share of the responsibility.

The President has himself taken firm action to hold down Government expenditures and has pledged strong measures to reduce lower priority Federal expenditures.

He proposes to limit and cut back public expenditures at every point consistent with the needs and broad aims of the Nation.

The President has also directed the Treasury to hold Federal security sales to a minimum.

The program calls on American business to keep prices in relation to real costs, maintain prudence in profits, and make other economic decisions on the basis of genuine necessities rather than on speculation.

The President has asked labor to refrain from wage demands that would contribute to increases in average cost and price levels in the economy. He has urged labor to collaborate with business in fostering the growth of productivity.

The program calls on the Federal Reserve Board and the financial community to seek the first opportunity to reduce interest rates and allocate the supply of credit more equitably—and to act effectively on that opportunity.

The President has asked us, also, to accept our share of responsibility. He has called on us to act within our sphere of authority to suspend for a time two of the major incentives to investment which are contributing to developing imbalances in the economy.

These incentives are the 7-percent investment credit and accelerated depreciation. The former affects investment for machinery and equipment; the latter affects construction and acquisition of commercial buildings.

Our responsibility is to enact the President's proposals into law as quickly as we can. In this way we can give effect to the program to reduce the pressures which are now contributing toward an overheating of the economy. In this way, we will be reducing the burden of demand on the economy where it can be reduced, while we make place for the burden of demand that must not be slighted—the demands upon our economy of our stand for freedom in Vietnam.

We can in this way help to forestall inflation by rechanneling business expansion to a safer path.

This is our responsibility. We must bear it as well as we expect the President and others—business, labor, the financial community—to bear theirs.

We must bear it as well as we expect our men in Vietnam to bear their responsibilties.

We should bear this responsibility by putting aside all considerations other than the welfare of the American people and the strength of the American economy and by setting to work on the President's program without delay.

PRESIDENT ACTS COOL TO HOT ECONOMY

Mr. MONAGAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. MONAGAN. Mr. Speaker, President Johnson has acted wisely in recommending legislation to temper our overheated economy by suspending the 7-percent tax credit on capital investment and he has done well in pledging the efforts of the executive branch in controlling appropriations and in altering the present policy of selling agency obligations in the private money market.

I feel that the President should be strongly supported in his recommendations.

I have been aware of the rising threat of inflation for a long time.

On September 2, 1965, I pointed out the prospect of an additional $12 billion a year in increased costs due to the war effort in Vietnam.

At that time I said:

> It seems clear that the future costs of this military effort will be substantial to say the least, and I suggest that it is high time for us to measure its impact upon the economy and upon the budget.

I also said:

> Unless we exercise restraint in expenditures and, particularly, in authorizations for future spending, the readily foreseeable development of our effort in Vietnam might well involve a tax increase or, as an alternative, a vastly accelerating and harmful inflation.

The annual cost of the war now appears to be $24 billion a year, rather than $12 billion, and, of course, this does not lessen the urgency for prudent fiscal action.

I fully realize that there are differences of opinion within the business community about the desirability of suspending the 7-percent tax credit for new capital investment, but it seems to me that this is a minimal step for the Congress to take at this time. I thought it particularly significant that David Rockefeller, president, and George Champion, chairman of the board, of Chase Manhattan Bank, were quoted in this morning's Washington Post as favoring the proposal.

The significant fact is that this move of the President's represents definite action in the right direction and signals an end to a period of hopeful waiting for a readjustment by natural means.

I referred to another aspect of our overall problem on February 16, 1966, when I pointed out the frightening drop which has taken place in our gold reserves over the last 10 years, stating that the economic report of the President showed a drop of approximately $10 billion in that period.

I know that there are those particularly in the other body, who presently are urging the expenditure of vast sums of money on projects which have not been clearly articulated and the mayors of some of our great cities have used the senatorial forum to advocate the expenditure of astronomical amounts to solve their municipal problems. It seems to me, however, that the present is a time to exercise extreme caution in the fiscal field. It may well be necessary in the near future to take further steps in the fields of taxation and expenditures than those which the President has recommended, and we should not spend our time on deceptive wishful thinking.

At any rate, in the words of an editorial in the New York Times of September 11, 1966, the President has "eliminated the uncertainties and suspicions about his determination to resist inflation. And he has removed the fears of a monetary panic that could have brought the expansion to a halt."

WE MUST LOOK AFTER OUR OWN COUNTRY

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. WHITTEN. Mr. Speaker, on Friday, September 9, 1966, President Johnson signed the appropriations bill for the U.S. Department of Agriculture, at which time, according to the Associated Press, he served notice he would not spend that much, in view of efforts to "moderate inflationary pressures." The AP story states:

> For one thing, he said, Congress added $312.5 million to his original request for the current fiscal year.
>
> Johnson also objected to a provision in the bill that would automatically bar American food aid to any country engaged in trade or shipping with North Vietnam. He said it goes far beyond a measured response and would tie the hands of the administration. But he made no suggestion on what he would do about it.

Mr. Speaker, as author of this appropriation bill which, of course, had the concurrence of the House of Representatives and of the Senate, the final bill being approved by a vote of 325 to 28, I would like to say that the President's Bureau of the Budget recommended taking funds from practically every worthwhile agricultural program and giving the funds to the Secretary to allocate as he would like to. Our committee simply took them and put them back where they belonged.

When a department can help to the point of enabling about 7 percent of our people to furnish food so the other 93 can furnish all the other things going to make up our high standard of living, while protecting the public health, and supporting our war effort, we do not need to cut down on sound programs set out by law and turn the money over to Secretary Freeman for his use.

Whoever advised the President on his figures included restoration of next year's cost of the agricultural conservation program, which we restored to this year's level, plus loan authorizations for the REA. Total appropriations for the regular programs of the Department are $28.3 million below the budget request.

Our subcommittee and that of Senator HOLLAND, chairman of the Senate Appropriations Agricultural Subcommittee, did restore funds cut below the 1966 level for such programs as school lunch and special milk, research, watershed conservation, control and eradication of insects and diseases, including fire ant, phony peach and peach mosiac, soybean cyst nematode, sweetpotato weevil, barberry, golden nematode, gypsy moth, witchweed, brucellosis and scabies. We also restored funds for research at the State experiment stations, for formula distribution to the State extension services, for the REA and the ACP. We felt that all of these programs were highly essential and should be continued at least at going levels.

Thousand of young men are failing physical examinations for reasons traceable to faulty nutrition and the Government itself is making a drive to help meet similar needs in other countries.

Our own school lunch and special milk programs must be continued.

Funds for these programs, together with funds for meat inspection, control of insects and diseases, and other programs of the Department which directly benefit the consumer, constitute about 50 percent of total expenditures.

To offset these restorations, the committees cut the land retirement programs by $152.5 million, since the Government is now trying to get more food production which will be needed to meet growing world food requirements in the immediate future.

Our subcommittee and Senator HOLLAND's subcommittee did agree on increasing authority for crop production loans by $50 million and for rural electrification and telephone loans by $187 million. This is authority to make loans which will be repaid with interest. With the shortage of labor, the increasing need for electric power as a replacement, and the need for increased food production to offset inflation, these loan funds are believed to be highly necessary.

The more we owe, the greater our international involvement, the more imperative it is that we maintain our resources at home, and our basic agriculture, for it is our own country to which we must look to support all the rest. After all, the total amount involved is about what we spend annually in an effort to get a man to the moon.

Senator HOLLAND, chairman of the Senate subcommittee, expressed similar views Friday, the Senate being in session.

IT IS NOT GOING TO BE PLEASANT TO SUSPEND THE INVESTMENT CREDIT AND ACCELERATED DEPRECIATION ON BUILDINGS

Mr. BROOKS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BROOKS. Mr. Speaker, in years past, it was pleasant to vote for lower taxes to raise incomes and provide new incentives for private spending. It is not going to be as pleasant to suspend the investment credit and accelerated depreciation on buildings. The investment credit was a sound structural reform which we hoped to have permanently upon the books. Few of us will be enthusiastic about removing it even temporarily.

It was gratifying to participate in the launching of Great Society programs that made important investments in our people. It is not going to be equally gratifying to support the President in holding down appropriations this year. Reductions in spending are bound to cut into some of the flesh of Federal programs as well as paring away the fat.

But the exercise of legislative responsibility cannot always be pleasant. The President is right when he says that good economic policy must work both ways. That is why the President will have my full support in the difficult and rigorous tasks of holding down spending and maintaining a balanced growth.

For long years in the 1950's and early 1960's, the American economy needed more vigor. It needed stimulative fiscal actions to build up consumer and business purchasing power and incentives. By taking these actions, we put our machines and manpower to work and we began to make full use of our productive capacity. The American economy once again lived up to its potential and moved back into the front rank among the nations in growth performance. Tax cuts and prudent investments in Federal programs made the medicine that the economists had prescribed work amazingly well. To the surprise of the skeptics, even the Federal Treasury benefited. Giving away revenues in the form of lower taxes, it collected a great deal more revenue as a result of the higher incomes that were generated.

It is quite clear now that the situation and the problems in the economy have reversed themselves. Now spending is threatening to outrun the economy's productive capacity. There are strains on our supplies of skilled manpower and raw materials.

We all welcome the fact that the economy has not been going too fast in the last few months. But the threat of a new speedup is still present. The economy has been reined in by the tax measures we enacted in March and by an extremely tight monetary policy. Tight money has loaded the burden of anti-inflationary policy on the homebuilding industry. Meanwhile, it has not cooled off the capital goods industry which is most responsible for the fever in private demand.

We have available more effective and equitable means of dealing with the threat of overheating. And we should pinpoint our efforts on the capital boom. We must take steps to right the balance and maintain a sensible pace of economic advance, or else we will see our prosperity vanish into the thin air of a wage-price spiral.

The logic of the President's program is clear and compelling. Moderation and balance have to be the order of the day. We have to adjust policies to changing conditions. The same principles that argued for more speed in the past now compel us to slow down demand. I am determined to stick with the principles that have served us so well throughout the past 5½ years.

I applaud the President's economic program.

ADMINISTRATION ADMITS SALES PARTICIPATION ACT MISTAKE

Mr. LATTA. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. LATTA. Mr. Speaker, the Secretary of the Treasury Henry Fowler's freeze order on new borrowing by Federal agencies on the securities market for the remainder of this year and his postponement of additional plans for multibillion-dollar "sales" of Government-held loans is a forthright admission by the Johnson administration that its fiscal policies have been politically motivated, irresponsible, short-sighted, and have saddled the American people with the highest interest rates in 45 years. Why? All because the administration and this Democrat Congress wanted to throw money into every conceivable corner—whether it was needed or wanted—hoping to buy friends. Anyone with an ounce of fiscal sense should have known the administration's grandiose scheme to "sell" shares in Government-held loans, paying premium rates in multibillion-dollar packages would soon be siphoning off money available for private investments and would eventually cause tight credit and high interest rates. Mr. Speaker, we Republicans do not want to be constantly telling you, "We told you so." But it would make interesting reading for you, your Democrat colleagues, and President Johnson to go back and read the debate on this piece of legislation, the Sales Participation Act, or perhaps more adequately labelled, "The High Interest Act of 1966." Warning bells were loudly and sufficiently sounded in this House by the Republicans for all to hear and to take note.

Yes, Mr. Speaker, would you believe that you can find the fiscal situation with which we are now faced accurately forecast by Republican Members? If I may, I would like to refer to some of the statements made by Republicans at the time this bill was being debated. On page 10558 of the RECORD, in referring to the Republicans, the gentleman from California [Mr. SMITH] said:

> Today we speak again for the people, for the farmer, the factory worker, the homeowner, for all those who use the private credit market in the normal course of their lives. We oppose the Administration's efforts to embark on a financial gimmick which will have the effect of increasing the cost of credit for all Americans. A vote for this bill is a vote against the people, a vote for this bill is a vote for higher interest rates

On page 10562 of the RECORD the gentleman from Wisconsin [Mr. BYRNES] stated:

> I want to state categorically that I am opposed to the fiscal gimmickry and the sleight of hand that this bill would permit.

On page 10564 of the RECORD, the gentleman from New Jersey [Mr. WIDNALL] reminded the House of the minority's view as contained in the report on the bill. I specifically want to read three short paragraphs from these views:

> These views are for those who express concern over the rising threat of inflation, but would vote for a plan that could remove for all time the fiscal restraint that normally accompanies big budgetary deficits by concealing billions in increased Federal spending outside of the budget
>
> These views are for those who rant and rave at higher interest costs, yet willingly would raise billions by a far more costly route than Treasury borrowings.
>
> These views are for future generations of Americans and for Members of future Congresses as a reminder of the ways of the "fabulous 89th," when the Congress ceased to

be an independent branch of the Government.

If any further evidence of Republican position on this bill is necessary, I would like to refer my colleagues to page 10322 of the RECORD where the gentleman from Arizona [Mr. RHODES] sets forth the House Republican policy committee's position on the Sales Participation Act. The House Republican policy committee was inalterably opposed to the passage of this legislation.

On the other hand, Mr. Speaker, what did the Democratic chairman of the Banking and Currency Committee, the gentleman from Texas [Mr. PATMAN] have to say on this matter of escalating interest rates? On page 10568 of the RECORD, Mr. PATMAN had this to say:

> The question of interest rates does not enter this debate.

It is also interesting to note the comment appearing on page 10563 of the RECORD by the chairman of the Ways and Means Committee, the gentleman from Arkansas [Mr. MILLS]. Mr. MILLS said:

> The bill will have a beneficial effect on the private market because it will help to make the market stronger, more competitive and better able to serve the economy's needs over the long term.

History has proven which party's position was right in this matter. I am glad to say that this Member was not taken in by this and similar irresponsible fiscal proposals put forth by this administration. I ask you, Mr. Speaker, Do you not really think it would be the better part of political wisdom for this administration to drastically curtail some of its unnecessary spending and start living within its income? If it had done this, it would not now be worrying about which taxes to increase. There would not be a need for new taxes.

CRAMER CALLS FOR ACTION ON H.R. 17642 ANTIRIOT LEGISLATION, IN VIEW OF PROBABLE DEMISE OF CIVIL RIGHTS BILL CONTAINING CRAMER ANTIRIOT AMENDMENT

Mr. CRAMER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. CRAMER. Mr. Speaker, subsequent to the passage by this body of the 1966 civil rights bill, including my amendment dealing with riots, violence of a racial nature has broken out in Detroit; New York; Grenada, Miss.; Lansing; Muskegon; Washington, D.C.; Waukegan; Benton Harbor, Mich.; Cicero; Dayton; and Atlanta.

These persistent outbreaks of violent civil disorder fly in the face of the action the House of this Congress took in passing, as part of the 1966 civil rights bill, an amendment which would make it a Federal offense to travel in or use any facility of interstate commerce with the intent of inciting a riot. It is clear that the ringleaders who travel from State to State in furtherance of inciting violent civil disorder are not in the least concerned over the fact that 389 Members of this body supported an amendment which would make the instigation of riots a Federal offense punishable by a fine of $10,000 or imprisonment for a period up to 5 years or both.

What is clearly needed as a positive step and a meaningful deterrent directed at bringing an end to the violence that continues to rock American cities is enactment, into law, of the antiriot amendment that 389 Members of this body have already gone on record as supporting.

I have today introduced a separate bill which is identical in language and intent to the amendment introduced to the civil rights bill dealing with riots. I have also directed a letter to the Judiciary Committee chairman, our distinguished colleague, the gentleman from New York, EMANUEL CELLER, requesting immediate action by that committee on this bill.

So replete is the RECORD with evidence testifying to the need for this legislation, that any lengthy hearing on this bill is unnecessary. Day after day, the Members of this Congress, both House and Senate, have risen to condemn the violence that is breaking out in this Nation. Even the Justice Department has admitted to the need for such legislation when it drafted a substitute amendment, introduced by my distinguished colleague from California [Mr. CORMAN] at the time the Cramer amendment was under consideration, which would have made it a Federal offense but only to conspire to travel in interstate commerce with the intent of inciting a riot or violent civil disturbance. As recognized by this body at the time the Corman amendment requiring proof that more than one person is guilty was under consideration, the Justice Department's approach was too weak and ineffective, particularly in view of existing general conspiracy statutes, to successfully deal with the violence it was directed at. Nevertheless, it did have the effect of putting the Justice Department's position on record and that position is unqualifiedly in favor of Federal antiriot legislation.

I am introducing a separate bill on this subject because of the assertions by Senate Democratic Leader MIKE MANSFIELD that the civil rights bill as passed by the House has no chance of passage by the Senate this session. Senator MANSFIELD has also been quoted as suggesting that the bill cannot be saved even if the open housing provision is dropped completely.

Mr. Speaker, the demise of the civil rights bill of 1966 should not be allowed to defeat a most compelling and noncontroversial provision of the bill such as the antiriot provision. That it is noncontroversial has been adequately indicated by the overwhelming support it received in this body. That it is needed is obvious to all who have read the reports of the violence that has flared—and continues to flare up—in the major cities of America.

The bill is needed, Mr. Speaker, and it is needed now. It is needed to cope with those riot leaders that direct the riots through the use of interstate facilities such as the telephone but do not actually take part in the riots themselves.

It is needed to give investigative authority that has power to cross State lines.

It is needed to bring action against riot leaders where local political pressures now prevent State and local action.

It is needed to act as a deterrent because of the strong penalties it contains, as compared to many local and State laws.

And it is needed, Mr. Speaker, so that this Congress can reaffirm in the form of positive legislation its determination to put an end to organized mobocracy.

On September 8 I told this body that this Congress cannot in good faith adjourn before meeting one of the most crying needs and pressing demands in America today—the enactment into law of strong, antiriot legislation to deal with the anarchists who would take lives and destroy property and seek to justify their actions under the halo of civil rights. I speak of both the Stokely Carmichaels and the George Lincoln Rockwells. I speak of all who are upsetting the order and domestic tranquillity through illegal, and violent means. I speak of those who rob the shopkeeper, burn the houses, attack the police, injure and even kill innocent bystanders.

Immediate action by the Judiciary Committee and the Congress on my bill can put an end to this bloodshed and destruction and I urge immediate action now.

Newspaper accounts of riots that have occurred even after the House already spoke of eliminating the Cramer antiriot amendment are included in the RECORD at this point and indicate continuing organized civil disturbances around the country and the flaunting of the desire of the people for an end to such violence in the streets as evidenced by the House vote of 389 to 25.

I also include an estimate of property damage estimates in some instances for riots occurring in recent years demonstrating the extent to which mostly innocent persons have suffered:

[From the Washington (D.C.) Star, Aug. 9, 1966]

TEAR GAS QUIETS LANSING IN SECOND NIGHT OF VIOLENCE

LANSING, MICH.—Police set off tear gas grenades last night to break up gangs of youths throwing fire bombs, bricks, pop bottles and sticks at passing cars.

Several persons were injured before the violence—the second straight night of racial unrest in Lansing—was brought under control. Four persons were reported shot, none seriously.

Negro and white clergymen, credited with police with keeping many youths off the streets last night, joined today with police patrols trying to prevent recurrence of the violence.

At least a score of youth have been arrested—both white and Negro—since the racial flareups took a serious turn Sunday night.

"It looks like everything is under control now," said Mayor Max Murninghan, who interrupted a vacation to supervise the police plans for controlling the situation.

"I don't anticipate a renewal of the violence, because I feel they've blown off enough

steam," Murninghan added last night, announcing that he was resuming his vacation.

Clergymen in clerical garb were credited by officials with helping keep many youths off the streets by talking with knots of teenagers wherever they could be found throughout the city.

Some 250 city, state and county police were called into action last night as groups of teen-agers roamed the city smashing windows and beating up at least two youths.

Scores of officers sealed off a section of the city's predominantly-Negro west side, less than a mile from the state capital, when a mob of about 200 gathered at an intersection and began tossing fire bombs at passing autos.

Armed with shotguns and ax handles, the police moved in and broke up the crowd, making several arrests in the process.

The Rev. Kenneth Faiver, pastor of Christo Rey Church, a Mexican-American Roman Catholic parish not far from the riot-torn area, said he saw police set tear gas bombs in the street behind a bus carrying armed helmeted officers.

"They set them in the street and then drove off," he said, holding a wet handkerchief he had used to cover his nose and mouth when the gas was thickest. It still smarted the eyes several hours later.

Police Chief Charles Straiger said that unlike Sunday night, when most of the violence was instigated by gangs of white youths attacking Negro teenagers, the latest flareup was caused mainly by Negroes, apparently in retaliation.

[From the Washington (D.C.) Star, Aug. 11, 1966]

VIOLENCE IN THREE CITIES

DETROIT

DETROIT.—Police arrested 39 Negro and white youths last night in a racially-mixed neighborhood on Detroit's East Side where a Negro man was shot during fighting in which bricks and fire bombs were thrown.

The Negro, Tyrone Powers, 26, suffered a shoulder wound. He said three white men in a passing car fired at him.

A brick was hurled through the window of another car, injuring the driver.

Some of those arrested were charged with arson and others were booked for offenses ranging from possession of explosives to inciting a riot.

Second night of violence

It was the second straight night of racial violence in the neighborhood.

Helmeted police carrying shotguns and loaded rifles with fixed bayonets kept most of the troublemakers bottled up inside a five-block area near the plush suburb of Grosse Pointe.

As they swept methodically through the trouble scene they were the targets of insults and obscenities.

A few bottles thrown by roving bands of youths shattered at the feet of the police. No policemen were reported injured. Plate glass windows on several storefronts were smashed by bricks, and slivers of glass littered the streets.

Police Commissioner Ray Girardin said Detroit's 4,000 policemen would continue on 12-hour shifts until the neighborhood returned to normal. All leaves have been canceled.

"I feel we had control of this situation at all times tonight," Girardin said. "We had more police than on Tuesday night, and more officers saw crimes committed—that's why we could make more arrests.

"Small gangs couldn't disappear and reappear somewhere else like they did the night before."

"We had more active participation today by citizens who were trying to cool this off—both Negro and white citizens," Girardin explained.

A steady rain which fell most of the night also was credited with helping keep outbreaks to a minimum.

A fire bomb mashed through the plate glass window of the Deluxe Drugstore, touching off a fire that caused about $750 damage.

Another was thrown against a building at about the same time but the fire was extinguished quickly.

A white motorist was injured when a brick smashed through a window of his car as he drove through the neighborhood with a girl passenger. The driver lost control and the auto crashed into the porch of a house.

Among those arrested were seven white youths—five boys and two girls—who police said were found with homemade fire bombs in their car.

Shortly after the renewed violence broke out, police ordered all bars and liquor stores closed in the trouble area.

Girardin said he had no evidence that the outbreak was organized or stirred up by outside agitators.

"I don't see any direction in this thing," he commented. "I don't see this as a protest against a specific thing."

NEW YORK

NEW YORK.—Two white men were wounded by rifle fire last night after police said a white crowd threatened Negroes who recently moved into the mostly white East Flatbush section of Brooklyn.

Police said a crowd of about 40 whites chased three Negroes to an apartment house in the neighborhood where one of the Negroes had recently moved.

The crowd gathered in front of the apartment house and the three Negroes came out, one carrying a .22 caliber rifle. He fired into the shouting whites, police said, wounding the two men.

Both men in hospital

Both the wounded men, Gerald Vabnik, 22, and Peter Guardino, 21, were in fair condition at a hospital. Guardino suffered a stomach wound. Vabnik was shot in the head.

Police reinforcements rushed in after the shooting and dispersed the crowd without further violence. The neighborhood appeared quiet early today.

Police charged Theodore Watson, 20, a Negro, with felonious assault in the shooting. Two other Negroes were questioned and released.

The members of the white crowd were mostly in their teens and 20s, police said. They reportedly had shouted racial insults at the Negroes before chasing them from a coffee shop a block and a half to the apartment house.

It was the first reported racial violence in Flatbush this summer. Flatbush, site of now-demolished Ebbets Field, home of the former Brooklyn Dodgers baseball team, once had a mostly Jewish population.

In recent years many persons of Italian and Eastern European descent have moved into the neighborhood.

The section in which last night's shooting took place was described by residents as mostly Italian.

GRENADA

GRENADA, MISS.—State police forced hundreds of angry whites out of a midtown City Square last night when some of them tried to bombard a Negro civil rights rally with firecrackers and pieces of jagged metal propelled by slingshots.

It was the third straight night of violence. A strong force of highway patrolmen remained in this North Mississippi city of about 8,000 today.

The resolute action by state officers came as civil rights lawyers moved to have federal contempt of court penalties slapped on city, county and state officials.

Accused of violation

The officials were accused of violating a federal court injunction by failing to take action when whites pelted Negro demonstrators Tuesday night with bottles, rocks, links of lead pipe, old spark plugs and any other object that came to hand.

The injunction, issued last month, ordered city and Grenada County officials and the head of the state highway patrol to protect any legal civil rights demonstration.

Lawyers for all sides confer with U.S. Dist. Judge Claude Clayton in Oxford tomorrow. Civil rights attorneys said they expect a date for a hearing to be set at the meeting.

The 150 heavily-armed highway patrolmen who forced the sulling crowd to leave the square last night were assisted by 75 state game and fish agents.

The agents were taken off duty shortly after midnight, when Grenada calmed down, and told to be back tonight.

National Guard units at nearby Batesville and Sardis were on what State Adj. Gen. Walter Johnson called a "sort of an alert" last night.

Whites who hurled missiles at the civil rights marchers Tuesday were frustrated by the scarcity of rocks and bottles. Many of them moved to overcome this handicap yesterday by buying slingshots. The ammunition was ball bearings and jagged links cut from heavy chain, or the potent round ball of a firecracker called a "cherry bomb."

Within slingshot range

When the marchers arrived at tree-shaded City Square last night, whites had been moved off the block-sized square of lawn to the far sidewalks. The distance was too far for throwing, but within slingshot range.

Cherry bombs, with fuses sparkling, arched from the crowd toward the 200 Negroes on the lawn. A highway patrolman with a bullhorn loudspeaker warned that firecrackers and any other hostile actions would not be tolerated.

The firecrackers kept booming. The chain links and ball bearings made a dry, whispering rustle as they clipped through the tree leaves, headed toward the clump of demonstrators.

"You have had your final warning," boomed the bullhorn.

Troopers go into action

Troopers in helmets, carbines at the ready, moved out, sweeping the crowd before them, pushing them back along streets which converge on the square.

The demonstrators also left the square, marching back the same way they came—through a Negro neighborhood.

Grenada has been the scene of civil rights demonstrations since the Southern Christian leadership conference opened a campaign a month ago aimed at breaking racial barriers in the town.

[From the Washington (D.C.) Star, Aug. 13, 1966]

FIVE HURT AS POLICE QUELL RIOT IN MUSKEGON, MICH.

MUSKEGON, MICH.—Five persons were injured and 27 were arrested in a downtown outbreak early today after an estimated 1,500 persons, mostly Negroes, closed in around a police car answering a hotel trouble call.

Seventy police and sheriff's men, armed with riot guns and rifles, took control of an area in front of the Occidental Hotel, Muskegon's main hotel, and dispersed a mob. Officers split the crowd in three parts and moved each down a separate street.

A dance, attended by a predominantly Negro group, was being held at the hotel at the time.

After dispersal of the mob, a jewelry store was looted. Seven men were arrested and charged with burglary and possession of

stolen property. The loot included an $875 diamond ring.

Police said they fired several warning shots. Police Chief Fred E. Castenho termed the outbreak "a riotous situation" and "a major disturbance."

Muskegon, a West Michigan city of 47,000 population, has experienced racial troubles in recent months.

Patrolman Rudy Ortquist, an off-duty officer, said today's trouble apparently began with the report of an assault on two white men by two or three Negroes and this report circulated in the hotel.

Patrolman Lee Medema, who was in the first police car to arrive at the hotel, said he was hit in the face by a fist after he stepped out of his cruiser to order a crowd to go home. Ortquist, going to the aid of Medema, fired two pistol shots in the air and called for reinforcements.

Officers said a yelling throng smashed windows in three jewelry stores and looted display racks of the shop as it was prodded down one street.

Most of those arrested were charged with disorderliness and disorderly intoxication. Twenty-six were Negroes, police said. The 27th, a white man, was charged with disorderly assault.

Persons began streaming out of the hotel onto the street as police arrived. A shoving and pushing crowd was so thick in the street that traffic was halted.

William Allen, 29, a Negro, suffered a cerebral concussion and a four-inch laceration of the scalp. A hospital nurse quoted him as saying first he was struck by a police rifle butt and later saying he did not remember.

Officers arrested 15 Negroes, who, they said, apparently broke away from the main mob, walked to the police station and stood outside, claiming two of them had been injured downtown.

Only two officers were at the station at the time. One, patrolman Howard Field, said he ordered the 15 men to leave but they refused and stood outside yelling. Field stood at the door, riot gun in hand, while the other officer called for reinforcements.

One of the reinforcements fired two shots in the air as the 15 were being arrested. Officers discovered later one of the 15 Negroes had suffered a minor knife wound.

Four Negro men were treated at a hospital for lacerations. C. J. Brooks, 18, suffered cuts on the cheek and both arms and bruised fingers. He told nurses he was shoved through a plate glass window.

[From the Washington (D.C.) Star, Aug. 14, 1966]

STEEL FIST, VELVET GLOVE QUELL RIOTS IN DETROIT

DETROIT, MICH.—An armored-fist and velvet-glove combination has so far marked Michigan's police approach to racial trouble. And in two violence-torn cities it seemed to meet with success.

But while Detroit and Lansing, the state capital, remained calm Friday night, rock throwing and fist swinging erupted in Ypsilanti and Muskegon, about 170 miles apart.

SURROUND POLICE

About 1,500 persons, mostly Negroes, surrounded a police car in Muskegon before 70 police and sheriff's men, armed with rifles and riot guns, moved them on. Five persons were injured, and 27 were arrested.

At Ypsilanti, officers arrested 11 Negro youths while breaking up a gang they said was breaking windows and stoning cars early Saturday.

Police said the gang formed in the South Side Negro district about midnight and went on a two-hour, rock-hurling rampage. Those arrested ranged in ages from 12 to 19.

Relative calm was reported in Detroit and Lansing, where police battled against thrown bottles, bricks and firebombs earlier in the week. Detroit Police Supt. Eugene Reuter said crime in the troubled East Side area was below normal for a Friday night. However, there were two incidents.

HOME BOMBED

Early Saturday a Molotov cocktail was thrown into the home of an elderly white woman, causing minor damage.

Friday night gunfire shattered a plate-glass window in a cleaning establishment, and four youths were arrested on charges of inciting to riot. Officers had arrested 15 persons the previous night.

Police were mobilized in heavy numbers earlier this week to face the outbursts in Detroit and Lansing. But they got a valuable assist from residents of the neighborhoods themselves.

Clergymen and other citizens formed groups to aid in peacemaking.

[From the Washington (D.C.) Star, Aug. 16, 1966]

YOUTHFUL GANGS BESIEGE POLICE IN ANACOSTIA—ROVING NEGROES HURL MISSILES AT CARS, 1 HURT, 11 HELD

Roving gangs of Negro teenagers went on a rock-throwing rampage early today, besieging a District police precinct for two hours and hurling bricks at cars and buses.

One policeman was injured and 11 persons were arrested in the outburst, centered around the 11th Precinct in Anacostia.

After firecrackers and bottles had been tossed at the station house, police donned riot helmets and summoned canine corps reinforcements to disperse the crowd.

According to police, the outbreak stemmed from a struggle Saturday between an 11th Precinct patrolman and a robbery suspect. Only hours after that scuffle the neighborhood was racked by more than 100 teen-agers who surged through the streets, tossing rocks at random.

As a result of today's rampage, community leaders held a tense three-hour meeting at the station house with Inspector James E. Stargel, night supervisor of police.

SEEK TO COOL TENSIONS

They sought to cool off tensions that have been simmering in the neighborhood since the weekend. There was no immediate comment from any of the participants at the conference.

According to Stargel, the incident that triggered the most recent outburst was the arrest last night of a 19-year-old youth who was wanted in connection with an attack that preceded Saturday's disturbance.

The suspect, William Arthur Foote, of the 2600 block of Pomeroy Road SE, was seized while he was attending an outdoor meeting of the Congress Heights Neighborhood Development Center outside its consumer action office at 4200 Wheeler Road.

The meeting had been called to consider growing community unrest, in the wake of the weekend violence.

When detectives moved in on Foote, Stargel said, a teen-ager and a poverty worker, identified as James L. Covington, of the Congress Heights Center, "interfered" with them and also were arrested.

Covington later denied he had attempted to prevent the arrest. Covington said he had only asked the detectives why Foote was being arrested.

After the three were taken to the stationhouse, Stargel continued, about 20 teen-agers began to picket the building. They carried placards and signs which were supplied by the Congress Heights Center, a United Planning Organization * * * no employees of his organization were involved in the disturbance. He said that although the Congress Heights Center is funded by UPO the center hires its own workers.

The pickets left, Stargel said, and their places were taken by other teen-agers and young adults who stood in a parking lot across the street from the stationhouse and threw rocks, bottles and fireworks at the building.

Meanwhile, he said, teen-agers at other points along the block unleashed random barrages of debris and bricks at traffic on the streets.

At this point, Stargel said, Pvt. James Haney tried to halt a group of rock-throwing youths near the stationhouse. In a tussle with some of them, Haney fell to the ground, losing his white riot helmet.

While he lay on the sidewalk, Stargel said, a rock smashed into the patrolman's head and he was kicked by a 13-year-old boy, who was later arrested. Haney was treated at D.C. General Hospital and released.

By this time, Stargel had arrived on the scene and at 1:30 a.m. was able to summon ministers, civic leaders and businessmen to the stationhouse for an emergency meeting.

It was past 4 a.m. when Stargel and the community leaders left the heavily guarded station house.

POLICE AWARE OF TENSION

According to poverty workers in the area, police realized before last night's outburst that tension was high in the area.

William Michaels, a UPO worker at the Congress Heights Center, said he had been telephoned yesterday by Lt. Emmett Sullivan of the police community relations squad, requesting an immediate meeting to discuss the weekend's violence.

Michaels said he and other anti-poverty workers met later yesterday with Sullivan. It was agreed, Michaels said, that police and the Congress Heights Center would work closer, each warning the other in event of trouble.

Michaels implied that police conduct at last night's outdoor meeting was in large measure responsible for the outbreak. He said that policemen "were all over the Wheeler Road area" before the meeting was under way.

Michaels denied that any attempt was made to prevent the detectives from making an arrest at the meeting. He said the anti-poverty worker who was seized for interfering with the arrest "was raising questions as to why the person was being arrested. He was not doing anything more and not overly raising his voice."

"At that point, the group of boys at the meeting became very upset and decided they would show their protest, by picketing," Michaels said.

RIOT POSSIBILITY FEARED

Michaels said he feared that "a riot" was very possible. To cool down the heated emotions of the teenagers, he said, the center furnished transportation * * * teen-agers conferred with Lt. Edwin J. Huff, precinct commander.

He told them he wasn't concerned with the community or with police-community relations but that his only concern was to enforce the letter of the law.

Later, Michaels said:

"I noticed a couple of boys walking by two canine corps officers. The dogs sort of lurched at the boys. So some youths threw firecrackers at the officers and the police moved in with the dogs. The youngsters ran."

At another point, Michaels said, he saw police cruisers speed into a parking lot across the street from the stationhouse and weave in criss-cross patterns through the groups of youths. Some individuals ran but others stood their ground, Michaels said, with the remaining teen-agers finally being chased by officers and police dogs.

NEGRO POLICE LACK CHARGED

Michaels said the teen-agers were antagonized by the lack of Negro policemen on the scene. He charged that Negro officers

were being held inside the station and were not used to handle the situation. Police officials declined comment on the charge.

Michaels insisted that many of the seven teen-agers who were arrested were not troublemakers "but were trying to control the situation and keep it from becoming worse."

Adults arrested were identified as: Darlene Simons, 18, of the 2800 block of Wade Road SE, charged with disorderly conduct; Parnal Longus, 27, of the zero block of Galveston Street SW, also charged with disorderly conduct; Polard Anderson, of the 200 block of Elmira Street SW, charged with refusing to move on the order of a policeman; and Covington, of the 800 block of Southern Avenue SE, charged with disorderly conduct.

"DEFINITELY NOT A RIOT"

"I would not characterize this as a riot. It is more in the area of a disturbance, but definitely not a riot," said Mrs. Ruth Bates Harris, executive director of the Commissioners' Council on Human Relations.

Mrs. Harris said that she met from 2 a.m. to 4 a.m. today with about 30 youths involved in the disturbance, who were brought by four cabs to her office in the District Building.

"Many of the youths voiced rather strong hostility regarding the 11th Precinct police."

Mrs. Harris added that conflicting reports of the disturbance makes it difficult now to generalize about its cause. She has scheduled a meeting this afternoon with area merchants, to be followed by another meeting with persons who live and work in the area.

Commissioner Walter N. Tobriner announced that Inspector George E. Causey, head of the Police-Community Relations unit, and Det. Capt. Tilmon B. O'Brien have been assigned to investigate the disturbance. * * * Tobriner added that he would have no other comment on the subject.

[From the Washington (D.C.) Star]

WAUKEGAN SEALS OFF 35-BLOCK AREA, 56 SEIZED IN CRACKDOWN ON VIOLENCE

WAUKEGAN, ILL.—The mayor of Waukegan, whose curfew order emptied the streets of a Negro district where bomb-hurling mobs roamed for three straight nights, says he will make no concessions to the rioters.

The streets of the South Side were quiet last night as 175 police sealed off a 35-square-block area at 7:30 p.m. and methodically enforced Mayor Robert Sabonjian's order.

Police arrested 56 curfew violators and charged them all with mob action. One man was also charged with narcotics possession. Police said one-third of those arrested were from outside Waukegan. They said they confiscated pistols, axe handles, rubber hoses, knives, hammers and lengths of pipe.

Nineteen of those arrested were white, police said. The rest were 36 Negroes and 1 Puerto Rican.

"There will be no concessions," Sabonjian told reporters. "There is no need for concessions. I only ask these people to walk down the street like you and I."

Sabonjian said he would meet today with Negro ministers but would not confer with those who have rioted. "There will be no negotiations with troublemakers," he said.

The city council met last night and offered a $1,000 reward for information leading to the arrest of the person or persons who hurled a fire bomb at a car Sunday, burning six members of one family.

The mayor told the council he would request public aid agencies to withhold welfare payments from any persons involved in the rioting that occurred Friday, Saturday and Sunday.

More than $35,000 in property was damaged Friday, several persons were injured Saturday, and 60 persons were arrested after Sunday's rioting.

"People who are asking for full first-class citizenship had better start learning to live like first-class citizens," said Sabonjian, 50, the first three-term mayor of Waukegan, who described himself as an independent Democrat.

Sabonjian criticized the local chapter of the National Association for the Advancement of Colored People for what he said "was their failure to provide responsible leadership in the Negro community."

No comment was immediately available from Negro leaders.

A beer bottle was hurled at Sabonjian's car when he toured the riot area yesterday afternoon. The bottle struck the car door and was thrown from a crowd of Negroes.

There was no attempt to arrest the offender.

Waukegan has only one Negro policeman on its regular force, Chief Walter Riley said, but the mayor recently appointed two more Negroes to the force.

Riley said he has asked for qualified Negroes to apply for police positions. Both Riley and the mayor said there was no racial overtone to the rioting.

Riley termed race relations in Waukegan "good."

The city, with population of 63,000, has approximately 6,000 Negroes. There have been hostilities between segments of the Negro residents, and against white persons who attempt to patronize the neighborhood taverns.

In the present case, Riley said, most of the animosity has been directed at police. Disorder began early Saturday morning when two Negro policemen attempting to quell a disturbance arrested a Negro youth who smashed a bottle on a street pavement in a show of defiance.

[From the Washington (D.C.) Star, Aug. 31, 1966]

SHOOTING MARKS PROTEST MARCH—SHOT WOUNDS NEGRO AT BENTON HARBOR

BENTON HARBOR, MICH.—Bullets fired from a moving car wounded an 18-year-old Negro last night in the wake of a Negro protest march that turned into a rock-throwing melee.

Police Sgt. Earl Merrill said witnesses saw two white youths in the car. The bullets cut down Cecil Hunt of Benton Harbor as he stood a few blocks from where the march had started.

Hunt was reported in serious condition today after surgery for an abdominal wound.

STATE OF EMERGENCY

Mayor Wilbert Smith declared a state of emergency today and asked the state to dispatch National Guard troops to this southwestern Michigan community after two straight nights of racial violence.

Smith said he asked for the Guardsmen from Michigan Lt. Gov. William Milliken who, Smith said, would act on his request later in the day.

Prior to the car-shooting incident, a crowd had gathered at a gasoline station in the Negro section, shouting and singing. Police tried to disperse the crowd.

Members of the group, estimated at 300 strong, then began a march on the downtown section and state and county police from surrounding communities were called in.

As the march moved down Main Street into a commercial area, rocks started flying and a restaurant window was smashed by demonstrators.

Officers trying to force the marchers back were pelted with rocks, bottles and pieces of wood. Newsmen and cars also were hit.

A line of some 30 state police moved in a line down the street and forced the mob back, despite the rain of missiles and some scuffles.

Several shots were fired into the air from police carbines and shotguns.

Mayor Smith and a Negro leader alternated with a loudspeaker, pleading with the crowd to go home.

After being forced back into the Negro area, the marchers refused to clear the streets. State police, declaring the gathering an "unlawful assembly," threatened to arrest anyone who remained in the street.

Patrol wagons were sent to the area and 14 persons—all Negroes—were taken into custody during the night.

The marchers dispersed into smaller groups, but vandalism continued. It was at about this time that Hunt was shot, despite police attempts to seal off the area.

However, after midnight the crowd thinned and reports of vandalism tapered off. Police remained in the streets in force.

One Negro, who led the march for a short time, said the demonstration was called to bring attention to what he called the lack of recreational facilities for Negroes. Officials said Negroes make up 40 percent of the city's population.

Even as last night's violence built up, Negroes discussed the situation with city officials for nearly two hours, then named a 17-member committee to present demands.

One demand was that police chiefs of Benton Harbor and Benton Harbor Township direct their officers not to address Negroes as "boy" or "girl" or use references to race. The two chiefs promised their men would be polite and use Mr., Mrs. or Miss.

[From the Washington (D.C.) Evening Star, Sept. 2, 1966]

FATAL SHOOTING IGNITES DAYTON VIOLENCE WAVE

DAYTON, OHIO.—About 1,000 National Guard troops patrolled the city's sealed-off Negro section today where a destruction spree by roving bands of Negro youths resulted in 23 injuries and 134 arrests.

The disturbances were touched off yesterday when a Negro was shot from a car apparently driven by whites. The man died later in a hospital.

At the peak of the disorders, gangs roamed the city's West Side, looting, stoning buses and breaking store windows.

Police Col. C. W. Martz today reported "Everything is normal. It's just like last Sunday morning so far as we're concerned."

Street cleaning crews were on the job early to clear up debris.

It was the first outbreak of racial violence in this city of 270,000 which President Johnson plans to include as a stopover Monday on his Labor Day weekend tour of the Midwest.

The White House said it was aware of the situation. Mayor Dave Hall told reporters he could see "no danger whatsoever for the President."

The disorders broke out minutes after Lester Mtichell, 40, was felled yesterday morning by a shotgun blast as he swept the walk in front of his home. He succumbed to head wounds 18 hours later.

Witnesses said the shots were fired by three white men in a passing auto. Police have taken two whites into custody for questioning.

City jails were full and a county jail was pressed into service to handle the overflow.

Police said among those arrested were three civil rights leaders, George Bradley, an official of a youth project, "Moving Ahead Together"; Albert Holland, project director of Moving Ahead Together, and Floyd B. Johnson, a school teacher.

A series of incidents in the morning led Hall to ask Gov. James A. Rhodes to call in the National Guard. The soldiers were on the streets by early afternoon but calm was not fully restored until late last night.

The police made no estimate of the amount of damage caused by the roving bands.

Dayton has a Negro population of about 70,000. About 15,000 live in the West Side area where the disorder was centered.

It is a largely rundown section through which thousands of workers must travel on their way to work at industrial plants.

Some buses carrying white workers were stoned yesterday.

A trip through the neighborhood showed many stores with smashed windows boarded up.

Later the street and adjacent blocks were sealed off but they were expected to be open to work-bound traffic today.

There were reports of trouble in the West Side area again last night but nothing of a serious nature developed, police said.

[From the Washington (D.C.) Star, Sept. 2, 1966]

SCATTERED VIOLENCE HITS JACKSON SECOND NIGHT

JACKSON, MICH.—Scattered incidents of violence hit Jackson last night, the second straight night of trouble here.

Although the night's major clash matched a carload of whites against a carload of Negroes, city officials insisted that neither night's incidents were racial.

However, State Police Cpl. Bernard Schlenhuber told reporters the trouble was "definitely racial" and called it a "wide open riot."

He said there had been fighting among gangs of whites and Negroes and that stores, restaurants and police cruisers had been stoned.

Jackson Police Sgt. Paul Rand told reporters, "They're working in small groups, throwing stones. It's spotty, they're scattered and move fast."

WINDOWS BROKEN

Schlenhuber could not be reached today, but other state troopers said he got his information by telephone from the Jackson police when they called for help.

Three plate glass windows were broken by unidentified rock throwers. At least one shot was heard by a police sergeant. A young white expectant mother was cut superficially on the legs when, she said, Negroes stoned her car.

Jackson Police Capt. Orlo Abbott said one police car was hit by a rock.

NO ARRESTS

No arrests were made last night. Police had said earlier four persons had been arrested.

Local police, aided by the state police, sheriff's deputies and auxiliary police, maintained heavy patrols for a time. Jackson Police Chief Earl Miller said no large gangs of youths formed.

The injured woman, Mrs. Reginald Cook, 21, was quoted by Mercy Hospital nurse Bonnie Langer as saying Negroes had stoned her car. Her sister, Phyllis Enbody, 19, refused hospital treatment.

[From the Washington (D.C.) Star, Sept. 5, 1966]

SIX HURT AND FORTY ARRESTED IN CICERO RIGHTS MARCH

CICERO, ILL.—A long-threatened open housing march filed through hostile Cicero yesterday, with 3,000 police and National Guardsmen swinging bayonets and billyclubs to maintain order.

Six white spectators suffered minor bayonet cuts and police arrested at least 40 persons.

The march by 192 persons—far less than the 1,000 authorized by a parade permit—was protected by a force larger than any mobilized during the last six weeks of protest marches in the Chicago area. Less than one-quarter of the marchers were white. Some other marches have been nearly half composed of whites.

As in other demonstrations, rocks, bottles, and firecrackers flew at the marchers and hecklers shouted taunts and obscenities.

But unlike other demonstrations, many of the marchers returned the taunts and threats. Cordons of police between marchers and hecklers made the threats impossible to carry out.

The heckling and missile tossing increased as the march neared its end. Police and Guardsmen intervened, swinging nightsticks and rifles. A Guardsman fired three shots over the heads of a group of white teenagers.

Police surged into both marchers and spectators as both factions struggled to get at one another. The police prevented the two groups from contacting.

One white youth was clubbed by police and dragged away. Within minutes, order was restored and the marchers continued the few blocks to their dispersal point inside Chicago. Cicero, an all-white community of 70,000 borders Chicago on the west.

CALLED NONVIOLENT

Christy Berkos, Cicero town attorney, characterized the march as "orderly and nonviolent."

The march was organized by the Chicago Chapter of the Congress of Racial Equality to protest against alleged housing discrimination and to commemorate the fatal beating in May of a 17-year-old Negro, Jerome Huey. He was beaten to death by four white youths, three from Chicago and one a two-month resident of Cicero.

Isaac and Ruth Huey, his parents, were in the first rank of marchers.

Chicago police escorted the demonstrators to the edge of Cicero, where the job of protecting the marchers was picked up by city, county and State police and some 2,000 National Guardsmen.

A band of policemen formed at the front and rear of the 10-abreast marchers and a line of officers protected either flank.

CONTINGENT IN RESERVE

National Guard jeeps—mounted with loaded machine guns—and trucks wheeled into position. Other Guardsmen stood at strategic points with bayonets fixed. A large contingent was held in reserve along the march route.

The guard commander, Maj. Gen. Francis Kane, had given the order to shoot to kill if fired upon.

The march proceeded lethargically at first. About halfway along the four-mile route, the crowds of hecklers began to grow. Rocks and bottles began flying into the ranks of marchers and police urged the demonstrators to a brisker pace.

Guardsmen used bayonets when a defiant crowd challenged a Negro National Guardsman trying to maintain order.

Some hecklers displayed signs bearing swastikas and the words "white power." Marchers responded with mock Nazi salutes. At other times marchers answered jeers with shouts of anger.

LEADERS HAIL MARCH

In previous demonstrations, most of them organized by Dr. Martin Luther King Jr., marchers accepted taunts, bottles and rocks with silence or freedom songs.

Dr. King, head of the Southern Christian Leadership Conference, originally had planned to lead a march into Cicero. He postponed it when Chicago officials agreed to a far-reaching program to promote open housing.

Robert Lucas, local head of CORE, said he went through with the march not out of displeasure with Dr. King's settlement on open housing, but because "CORE believed in keeping the pressure on."

At day's end, Lucas commented:

"I think it was a great grass roots march. I think it made everybody feel good."

[From the Washington (D.C.) Star, Sept. 7, 1966]

TEAR GAS ROUTS RIOTERS AT ATLANTA; 63 ARRESTED

ATLANTA, GA.—Armed policemen kept a tight patrol today in an area where about 500 Negroes, many shouting "black power," rioted after an officer shot and wounded a Negro man wanted on a car theft charge.

At least 63 persons were arrested and 15 injured in recurrent disturbances yesterday and last night in a predominantly Negro section near Atlanta's new sports stadium.

Police first attempted to quell the racial outbreak—the worst the city has experienced—by firing shotguns and pistols into the air.

When this failed, tear gas canisters were fired into the milling crowds and the streets quickly cleared.

The injured included several persons suffering from effects of the tear gas and the wounded man who had fled officers on the car theft charge, Harold Louis Prather. A policeman also suffered a possible jaw fracture in the melee.

Prather was listed in poor condition at a hospital with wounds in the hip and side.

Mayor Ivan Allen Jr., who rushed to the disturbance soon after shouting Negroes appeared, attempted to plead for order from the top of a police car.

He was nearly toppled from the car, which Negroes rocked back and forth. He finally was shouted down and jumped down from the car.

The mayor, anxious to preserve the city's image as being progressive and racially untroubled, dashed from place to place most of the night to investigate trouble reports.

Before he was shouted down, Allen talked with Joseph Frye, who said he spoke for the Student Nonviolent Coordinating Committee as the crowd of Negroes gathered.

Frye refused to say if he belonged to SNCC, the militant civil rights organization led by Stokely Carmichael, who began vocalizing the black power philosophy during the Mississippi march last June.

Frye said, "I'm for black power."

CARMICHAEL DISAPPEARS

Carmichael, along with other SNCC members, was in the area before the rioting began, but disappeared when the crowd began hurling rocks and bottles.

Officers said SNCC representatives urged the crowd to demonstrate and denounced police officers as they chanted "black power."

"They were bringing different people into the area," said Sgt. G. J. Perry, "and they were saying the man had been shot while handcuffed and that he was murdered."

Police arrested a SNCC member they identified as William Ware, 37, and charged him with inciting to riot and disorderly conduct. Ware, who gave an Atlanta address was held on bonds totaling $10,050.

During the night, police maintained patrols and kept dozens of patrol cars at the Atlanta stadium parking lot. Occasionally, one of these would leave to check out trouble reports. Several carloads of state troopers also stood by.

The most serious disturbance occurred before midnight in a Negro area about a mile from the riot scene when a radio newsman's car was overturned in front of a church.

Civil rights leaders, including Hosea Williams, an aide to Dr. Martin Luther King Jr., were shouted down inside the church when they attempted to discuss nonviolence with young Negroes.

As the meeting broke up, a group of Negroes surrounded the newsman's car and shouted "black power."

Mike Davis, a Negro reporter for the Atlanta Constitution, said he was seated in the car with WSB newsman Andy Still when one of the Negroes asked him what he was doing there.

"One of them pulled a pistol and fired," Davis said. "I saw smoke and I heard glass breaking. They started rocking the car and shouting 'black power' and I got the hell out of there."

Still said he was slugged on the jaw. He and Davis fled the car before it was overturned.

Another radio newsman, Bill Conover of WQXI, said he was attempting to drive his car away from the church when a dozen Negroes ". . . told me to get the hell out of there. I said, 'Yes sir,' and I got the hell out of there."

Rioting broke out in the Negro section shortly before 5 p.m. and continued for more than an hour. Windows in two patrol cars were smashed and a white motorist's car was struck by rocks. Another car was overturned.

Police, after firing tear gas, gave a no-loitering order and ordered all residents into the apartments and frame houses which line the streets.

Scores of Negro leaders, including Dr. Martin Luther King Sr., father of the civil rights leader, and Dr. Ralph Abernathy, King's top aide, came to the area at the request of the Mayor.

What Negro riots have cost—A city-by-city report

City and date of riots	Killed	Injured	Arrested	Shops looted or damaged	Dollar cost to community [1]
Philadelphia, Pa., Aug. 28 to 30	0	341	774	225	More than $3,000,000.
New York City, July 18 to 23	1	144	519	541	$1,000,000 to $2,000,000.
Rochester, N.Y., July 24 and 25	4	350	976	204	$2,000,000 to $3,000,000.
Jersey City, N.J., Aug. 2 to 4	0	46	52	71	$300,000.
Paterson, N.J., Aug. 11 to 14	0	8	65	20	$50,000.
Elizabeth, N.J., Aug. 11 to 14	0	6	18	17	Minor.
Chicago suburbs, Aug. 16 and 17	0	57	80	2	Do.
Total	5	952	2,484	1,080	$6,500,000 to $8,500,000.
Chicago, July 1966: Rioters, 5,000 [3]	2	(3)	400	----------	Uncounted thousands of dollars.
Los Angeles (Watts), summer 1965: Rioters, 10,000; area covered, 46.5 square miles.[4]	34	1,032	3,952	----------	$40,000,000.
Cleveland, August-July 1966 [5]	4	50	----------	----------	Heavy property damage.

[1] Costs include damage to buildings, stolen merchandise, cost of troops and extra police, and, in some instances, estimates of business losses.
[2] Source: New Republic magazine, July 30, 1966.
[3] Hundreds.
[4] Source: Report of Governor's Commission on the Los Angeles Riots, Dec. 2, 1965.
[5] Source: Washington Star, July 25, 1966.

PROTECT OUR ECONOMIC WELL-BEING AND PRESERVE BALANCED ECONOMIC GROWTH

Mrs. SULLIVAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

Mrs. SULLIVAN. Mr. Speaker, we must act now, as the President stated in his message to the Congress, to protect our economic well-being by acting to preserve the finely balanced economic growth that has been with us the past 6 years.

As the President said:

> Certain actions have become clearly necessary to protect the interest of our people in stable prosperity and I intend to take these actions now.

The Congress should stand firmly with the President in this enterprise.

Every sector has been called on by the President to join forces in this prudent effort to maintain the stability of our economy.

The President has recommended that the Congress make the 7-percent investment tax credit and accelerated business depreciation, inoperative, effective September 1, 1966, for a period of 16 months.

The President specified that the suspension should apply across the board, without exception, and that no special treatment or special exclusions should be made for the period of suspension.

The facts are that our machinery and equipment industries cannot handle the present-day demands thrust upon them. Signs of this strain are now increasingly apparent: Growing backlogs, accelerating prices, emerging shortages of skilled workers, and excessive demands for funds to finance investment that are flooding our capital markets.

With these facts clearly evident, it is most reasonable that we act now to slow down fast-rising business investment in machinery and equipment. We would be remiss if we ignored these signs which indicate a threat to our economy.

Certainly, just as machinery and equipment expenditures have been stimulated by the tax credit, so has the construction of commercial and industrial buildings by accelerated depreciation. Therefore, our action to suspend accelerated depreciation is equally needed if we are to maintain our stable economic growth.

Congress is not asked to act alone. The President is taking strong measures to reduce Federal expenditures. He is urging the Federal Reserve Board and our commercial banks to cooperate with the Congress to lower interest rates and to ease the inequitable burden of tight money. And he is asking American business and labor to contribute through responsible wage and price behavior to maintaining economic balance in our national interest.

We can move swiftly to effect the prudent measures the President requests.

It is only prudent that we should act swiftly and favorably.

Let us do so.

PROTECT ECONOMIC GROWTH

Mr. CLEVENGER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CLEVENGER. Mr. Speaker, the President has sent us a recommendation for action which the condition of the economy demands.

He has said, correctly, in my view, that we must be prepared to act to protect the stable economic growth which we have enjoyed in the period of unprecedented economic expansion in the United States which is now in its sixth year.

Our economy has given us a formidable performance during the last 5½ years.

But as the President said in his message yesterday, and I quote:

> Certain actions have become clearly necessary to protect the interest of our people in stable prosperity.

The President has asked us to suspend certain special incentives for plant and equipment investment and commercial construction which are now in danger of overheating the economy.

The first of these is the 7-percent investment tax credit. The President has proposed that we suspend it effective September 1, 1966, until January 1, 1968.

We have had a great upsurge in business investment in plant and equipment since the investment credit was enacted in 1962.

It has made a major contribution to modernizing and expanding our industrial capacity and thus in providing jobs for our constantly expanding labor market.

But investment in plant and equipment for the past 3 years has been increasing at more than double the rate of increase of our gross national product.

It is moving too fast for the economy to absorb.

The industries which supply our machinery and equipment cannot keep up with their orders.

Excessive demands for funds to finance investment have strained our capital markets, bidding up interest rates and drawing credit away from other vital activities. It should be noted that a significant element in total demand at present is accountable to the burden of demand arising from our defense of freedom in Vietnam. We here, as every free man everywhere, owe our freedom to that shield.

Temporary suspension of the investment credit would alleviate these pressures, and better permit us to prosecute the defense of that freedom that we exercise here in this debate today.

The condition of the economy clearly requires some restraint. We must remember that the investment credit is an incentive—a bonus to business for investment which moves the economy forward as it moves business forward.

We have too much incentive now. It is time to rein in this incentive until the economy returns to a safe, smooth rate of progression.

The President's second proposal was to suspend the use of accelerated depreciation on buildings and structures.

This proposal also would apply in the period from September 1, 1966, to January 1, 1968.

It would apply to all buildings and structures started or transferred on or after September 1.

In today's economy we are experiencing an inflation of building cost and severe pressures on financial markets which have been felt primarily by the homebuilding industry.

Commercial and industrial construction has run 27 percent higher during the last year than during the previous year.

This construction is encouraged by accelerated depreciation.

Tight money and high interest rates have not slowed it down effectively, but they have placed inequitable curbs on other areas.

It would be much fairer to even things out by removing this stimulant, now being used to excess, which gives commercial and industrial construction its advantage in the presence of unusually high interest rates.

The President has made his case for action now to preserve stable economic growth.

We owe it to the people of the United States to act on the President's proposals favorably and with dispatch.

MAINTAIN OUR STABLE PROSPERITY

Mr. MURPHY of New York. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MURPHY of New York. Mr. Speaker, the President has asked for our assistance in maintaining our economy on a safe course of stable prosperity. This we can do, and we should do, with dispatch.

The substantial increase of business investment in new and highly productive plant and equipment is one of the great accomplishments of our economy in recent years. However, this type of investment is now growing so fast that it is creating demand faster than it can satisfy it. Business investment has been rising more than twice as fast as our gross national product for the past 3 years. Consequently, we have growing backlogs of equipment orders, rising prices, shortages of skilled workers, and a flood of excessive demands on our capital markets for investment funds.

Nor can we consider this situation alone. We must consider it in context with the fact that our economy must handle demands for goods and services arising from the Vietnam conflict that we cannot afford to neglect. Our freedom to engage in this debate rests upon the defense of freedom that we are prosecuting in Vietnam.

The President said in his message to the Congress:

> A temporary suspension of the investment credit will relieve excessive pressures on our capital goods producers and on our financial markets. We can then look forward to a smoother flow of investment goods—at stable costs both for machinery and for money.

We are all aware of the intentions of investment tax credit—to help move the economy forward. This was accomplished. Now we are called upon to protect the finely balanced economic expansion that has existed during these past 6 years.

The President asks further that we enact legislation to suspend, also temporarily, the use of accelerated depreciation on business structures acquired during the suspension period.

Accelerated depreciation has encouraged a rate of construction of commercial and industrial buildings that is now contributing to a rise in building costs and is contributing also to pressures in financial markets, reflected in high interest rates.

Certain areas of private building, as clearly evidenced in the past few months, have suffered from a squeeze of high interest rates and rising construction costs. Thus, the suspension of accelerated depreciation at this time is an effective and equitable way to deal with the overheated construction sector of the economy.

None of these measures, and I believe we should all be mindful of this, place a burden on the poor of our society. Further, if these measures are acted upon, our efforts and achievements will continue in the fields of education and health. As the President said in his message to us yesterday:

> It would be shortsighted to abandon the tasks of educating our children, providing for their health, rebuilding the decaying cities in which they live, and otherwise promoting the general welfare.
>
> Postponed investment in buildings and machines can be made at a later date without serious injury to our welfare. But we can never recapture the early years of a child who did not get the head start he needed to be a productive citizen, or the lost opportunities of the teenage dropout who was never given a second chance. And we can never repair the ravages of a disease that could have been prevented, or recall the lives lost by cancer that might have been cured.

Nor is the President placing the whole burden on Congress. The whole Nation is being called to the task of placing the American economy on a safer course. The President is taking strong measures to reduce Federal expenditures. He is urging the Federal Reserve Board, in executing its policy of monetary restraint, and our large commercial banks, to cooperate with the President and the Congress to lower interest rates and to ease the inequitable burden of tight money. And the President is asking business to be more conservative in its operation and for labor to avoid wage demands.

Let us do our part.

Let us do it promptly.

Let us in this way set an example for the whole Nation to follow.

Nothing less than the well-being of the whole Nation is at stake.

THE DISASTER AREAS OF CIVIL DISORDER

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Illinois [Mr. KLUCZYNSKI] is recognized for 15 minutes.

Mr. KLUCZYNSKI. Mr. Speaker, this summer has seen a flaring up anew of civil disorders in our cities. It is my personal conviction that these disorders have done more harm than good to the cause of civil rights. The Congress has repeatedly expressed its insistence that all Americans receive equal justice. This is a precept basic to the American way of life. However, this must be equal justice under law. Lawlessness and violence cannot be condoned.

No one can foresee the extent to which violence in our cities may increase. Local law-enforcement agencies and the National Guard have exerted themselves to the fullest to control such violence. Local law enforcement is not and should not be under Federal control. Yet I am sure that each of the Members of this body has noted with mounting concern the extent to which outbreaks of violence are occurring.

One of the most regrettable aspects of the civil disorders is the degree to which individuals have incurred severe financial loss resulting from damage to their business establishments or homes. At the present time this is not an insurable risk. Civil disorders are expressly exempted from insurance policies covering fire and similar losses. From the point of view of the individual shopkeeper or homeowner, these riots are much the same as an earthquake or similar disaster.

When one or more members of a large group of rioters destroy or damage a shop or home, the owner has no way of knowing who caused the damage. The loss can be substantial. A friend of mine in Chicago recently suffered loss by fire, caused by a Molotov cocktail, which wiped out his entire inventory, valued in excess of $100,000. This case is typical in that he has no recourse. His loss was not covered by insurance, he does not know who caused it, and he had no notice of, or control over, the civil disorder which was the proximate cause of his loss. There was nothing he could do to prevent the loss, and there is no way for him to recover his loss.

I am sure that our local law-enforcement agencies, police, sheriff's office, National Guard, will continue their efforts to protect innocent bystanders from losses of this kind and to prevent further civil disorders. In the meantime, however, I believe that the Congress has a duty to act and to act promptly to protect innocent people from losses of this kind.

I do not condemn the insurance industry for excluding this risk. I do feel that there is a regrettable tendency on the part of insurers to take what might be termed "the cream" and to exclude those areas where loss is possible. I encountered this attitude during my service in the Illinois State Legislature. Because of this tendency in the past, many States, in the area of automobile insurance, have adopted the assigned risk method of seeing that all drivers are covered. Some of the States have virtually entered into the writing of insurance by providing protection against uninsured drivers, and similar devices.

The Federal Government has recognized the inability of an individual to cope with natural disasters by making available long-term low-interest loans for those affected by earthquakes, floods, and similar occurrences.

I believe the time has come for prompt and vigorous action by the Congress to provide similar protection to small businessmen, and homeowners as well, against loss caused as a result of civil disorder. I am convinced that the present situation, in which an individual property owner can be wiped out and yet have no recourse—no way to recover what in too many instances is an entire life savings—is so unjust as to be intolerable. It is a problem that has hit the urban small businessman with particular force.

It is my intention as chairman of the Subcommittee on Urban Small Business Problems of the House Small Business Committee to propose that the subcommittee hold hearings on this question without delay.

It is my further intention to introduce legislation providing for a program of Federal reinsurance to cover such losses. I am hopeful that a formula can be found under which the insurance industry could cover this risk and provide for full compensation for losses caused by civil disorder. If the insurance industry does not wish to cooperate in such a venture then, of course, direct Federal insurance must be considered.

There is an additional reason why such legislation is required. At the present time the Economic Opportunity Act provides for economic opportunity loans jointly administered by the OEO and the Small Business Administration. The rationale for this program, in addition to providing opportunity for present or potential small businessmen, is that disadvantaged urban areas are strengthened by the presence of neighborhood small businesses. There is little question but that the social fabric of a neighborhood is indeed strengthened if it has its own stores and shops. This is particularly true if they are owned and operated by those living in the area.

I am in favor of the economic opportunity loans. I hope that the program is enlarged. However, at the present time because of the tremendous losses suffered as a result of civil disorders in such areas as Watts in Los Angeles and the Hough district in Cleveland, small businessmen are leaving in great numbers from those very areas where their presence is most required.

If small business is to make its contribution toward the betterment of disadvantaged areas, insurance simply must be provided for these merchants. Otherwise, the exodus of merchants unwilling to assume the risks of loss from civil disorder will more than offset any gains in small business population resulting from economic opportunity loans.

This is a complex and difficult problem, but one of such importance to great numbers of our people that we must proceed to work out a solution at the earliest possible time.

FIGHTER FOR WORLD TRADE SAYS HE'S NO FREE TRADER

Mrs. REID of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. FINDLEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mr. FINDLEY. Mr. Speaker, I have long admired the efforts of my able and hard-working colleague, the gentleman from Missouri, TOM CURTIS, to uncover in a scholary fashion the facts and arguments surrounding very complex matters. His recent detailed speech on August 29 on the U.S. textile import policy is another such example. Unfortunately, some of the major points of the speech have been misconstrued in subsequent discussions and in the press. For this reason I am inserting in the RECORD today an article written by Mr. Robert Barr appearing in the Daily News Record of September 2, which covers some points which bear repeating:

FIGHTER FOR WORLD TRADE SAYS HE'S NO FREE TRADER

(By Robert Barr)

WASHINGTON.—Representative THOMAS B. CURTIS (R., Mo.) is a stubborn fighter for more international trade, but he says he is no free trader.

This seeming contradiction often is overlooked, and the blame probably should fall on Mr. CURTIS.

He is recognized in the House as a man chock full of facts who can make his colleagues restless with extremely lengthy speeches. Sometimes his entire viewpoint is lost because a portion of his address may be more sensational than the rest.

His textile import policy harangue on Monday is an example. What captured most attention in that speech was the Curtis proposal for junking the Long-Term Agreement (LTA).

Overlooked in the speech and floor debate was Mr. CURTIS reminding everyone the cotton textile industry is not his special or exclusive target.

The cotton textile industry bears the brunt of his observations, he reminded his colleagues, because it is one of the industries on the firing line.

Mr. CURTIS has been just as tart in his past criticisms of the coffee, sugar and auto industries for their activities in areas of tariffs or other trade arrangements.

Mr. CURTIS also said in his Monday speech he believes in a United States trade policy of multilateral agreements between nations covering the range of their industrial output, not just a specific industry.

While he wants to see LTA ended, he reminded textile state Congressmen he believes in tariffs and even concedes there may be a need for higher tariffs on some textile imports.

Mr. CURTIS supported liberalization of the tax depreciation schedules which the textile industry wanted some years ago.

Mr. CURTIS reminded Congress in his Monday debate with textile state members that, as a member of the House Ways and Means Committee, he was in a position to support that textile industry goal.

He prefers to call the changes made in tax depreciation schedules a modernization, rather than a liberalization.

More recently Mr. CURTIS said he has been speaking up for the American textile industry in Geneva. He is one of the four Congressional delegates to the current Kennedy Round of tariff talks in Geneva.

Mr. CURTIS takes this appointment seriously. He travels to Geneva to participate in the talks and then reports to Congress on his trip.

He found it necessary Monday to explain his pro-American textile industry stand at Geneva.

Mr. CURTIS noted textile state Congressmen had said the American textile worker had high wages and other fringe benefits which could make it rough for American mills to compete with foreign mills using low-cost labor.

Mr. CURTIS reminded the House these were the very points he had tried to argue in Geneva.

"The standard of living of our American workmen is very very important to all of us, and this is a proper thing, I would say, to measure in a tariff negotiation," he noted during the debate.

Does Mr. CURTIS reflect State Department views when he criticizes cotton textile import policy? If he does, it is not by conscious design, he said.

Mr. CURTIS protested during his speech he had trouble obtaining from the State Department the transcript of the meeting held in Japan last year between an American wool mission and Japanese officials.

He is a 55-year-old attorney from St. Louis, elected to Congress in 1950 and reelected every two years since then.

Mr. CURTIS is a member of Biggs, Hensley, Hughes, Curtis & Biggs, St. Louis law firm, and from 1934 until 1950 he practiced law.

Since 1953 he has been a member of the House Ways and Means Committee. If he has to choose between following his Republican party leaders or being consistent in his economic outlook, Mr. CURTIS always has stuck with his own outlook.

There is nothing personal about his current criticisms involving the textile industry, he tried to make clear in his speech.

He reminded Congress of the Smoot-Hawley Tariff Act which he branded a "chaotic experience of the Congress."

He personally does not want to see that kind of tariff policy reborn with each American industry exerting political pressure for its own preferential treatment.

While he concedes the cotton textile industry has every right to promote its own interests, Mr. CURTIS is blunt in concluding he thinks the industry may be damaging itself by its current expansion plans.

During the debate he said: "What I am trying to get across to the textile industry is that you have gone too far.

"You are being subsidized. You are now subsidizing inefficiency. You were in a period

when you legitimately had claim against injustice and lack of proper consideration.

"Now, you have gone too far for your own good and the country's."

His idea is for the American textile industry to export some of its know-how and capital to lesser developed countries to produce textiles for sale there.

Such a moment would mean these American firms could remain prosperous, pay high dividends to their stockholders, contribute to the development of needy countries and promote more economic use of world resources, Mr. CURTIS explained in his speech.

Just to be sure people understand he was not picking on the American textile industry, Mr. CURTIS told the House he could have made a similar study of steel, coffee or sugar.

He said: "I happened to take textiles, because that is an important industry to all nations. I believe it serves a good purpose to make a study in depth in one area and apply the lessons learned across-the-board to other areas."

The dogged, stubborn, conscientious criticisms Mr. CURTIS has been making about trade policy are no departure from his usual Congressional work.

For years he teamed up with House speaker JOHN MCCORMACK (D., Mass.) to badger the Pentagon to be more efficient in its procurement and thus ease the taxpayer's burden in supporting the military effort.

Mr. CURTIS in recent months also has spoken out on what he considers to be shortcomings in Johnson Administration policies for fighting inflation.

CLEVELAND GIVES QUESTIONNAIRE RESULTS—ANSWERS IT HIMSELF

Mrs. REID of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. CLEVELAND] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mr. CLEVELAND. Mr. Speaker, for the fourth consecutive year, I have sent questionnaires to my constituents, and wish to take this opportunity to present this year's results to the House. Unfortunately, time and space do not permit me to share with my colleagues the many perceptive and constructive comments which my constituents added to their answers and which I found most helpful.

The questionnaire was mailed to all postal patrons in my district. New Hampshire has an impressive record of citizen participation. It is consistently among the Nation's leaders in voter turnout, and takes great interest in its government, from town meetings through all levels of government. In view of this, these returns are particularly significant as an indication of how a large number of thoughtful and concerned people are thinking on issues. While I make no claim that this is a scientific poll, I believe the results are meaningful and commend them to my colleagues' attention.

QUESTIONNAIRE STRESSES MEANS, NOT GOALS

In my questionnaire, to the extent possible, I avoided asking my constituents if they favored such laudable objectives as peace, full employment, equal opportunity, the elimination of poverty, better education, clean air and water, resistance to Communist aggression, fairer taxes, conservation, et cetera. Agreement is virtually universal on such goals. The issues we face here in Washington are usually how such objectives can best be attained and whether, during a time of war, large deficits, and increasing inflation, we can afford certain programs.

My first question was one to which I invited particular attention. It is my conviction that Government, as well as individuals, should establish certain priorities and exercise restraint and selectivity in allocating available money and resources to meet needs and problems. For this reason, I asked my constituents for their considered opinions as to which needs and problems they feel are of first importance. Although extremely difficult to tabulate, I consider the results of this particular question to be especially significant. I list with my results the 24 issues, problems, and needs which my constituency most frequently mentioned.

LABELS—SLOGANS—INSTANT SOLUTIONS

The framing of meaningful questions is difficult. Compounding the problem is the growing practice here of legislation by label and by high-sounding slogans and the current practice of lumping many different programs into one bill. This, coupled with a prevailing fallacy that almost any problem can be solved instantly if you pass a program through Congress and throw enough money at it, makes meaningful discussion of issues and questions difficult. I must confess that the problems of labels, slogans, omnibus legislation and the false promise of the "instant solution" are sometimes aided and abetted by politicians and the temptations of easy oversimplification.

In the following report on the results, I have noted not only the "yes," "no," and "no opinion" answers, but also the number of questions left blank. In some cases, this is significant, such as on questions 2 and 20. On question 2, it shows that the question may have been poorly drafted, as it did not make clear whether one should check only those subsections on which they had definite opinions, or whether a check was invited for each subsection. On question 20, carrying the next largest number of blanks, this may indicate a lack of interest and, perhaps, information on the issue of reapportionment of State legislatures and on the amendments to the U.S. Constitution proposed by Senator DIRKSEN.

FOREIGN POLICY OPINIONS HOLD SURPRISES

Though the results of question 2 on the war in Vietnam are difficult to analyze, reflecting perhaps the general situation there, several conclusions are evident. The people are not fully satisfied with the administration's handling of the war. Nor do they appear to favor withdrawal now, judging from answers to what is a softly worded question. They appear to favor intensified military action to end the war, in apparent approval of the recently expanded bombing in North Vietnam.

Perhaps the most startling response is the extent of the disbelief in the word of the administration. By an overwhelming margin, my constituents feel the administration is not giving the public adequate information concerning Vietnam. Thus, it would appear that the so-called credibility gap is more like a chasm.

FOREIGN AID PROGRAM MEETS DISFAVOR

Opinion against continuation of our present foreign aid programs has mounted sharply. Last year, to this same question, the answers were: Yes, 2,602; no, 3,058; not sure, 1,003; blank, 379. In sharp contrast, this year's results are: Yes, 1,639; no, 4,136; not sure, 375; blank, 161. This clearly indicates a demand for new directions and reevaluation of our foreign aid programs. The fact that we fight virtually alone in Vietnam certainly accounts in part for the disfavor with which my constituents view continuing foreign aid. Another factor may be that the people are doubtful about the efficiency with which the administration is using the money to help the common people in other countries. As I have frequently stated, foreign aid money, which all too often is poured in at the top, has a habit of staying at the top. In my opinion, it also reflects general concern about too much Federal spending, the loss of gold, and the weakening of the dollar.

WAR ON POVERTY AND RENT SUBSIDIES DISFAVORED

My constituents clearly disfavor the war on poverty programs—although I am sure they share with me approval of its laudable objectives.

Again, my constituents overwhelmingly have rejected the concept of subsidizing rent for low- and middle-income families—although surely the objective of better housing is a desirable one.

STOP SPENDING—LOUD AND CLEAR

Noteworthy indeed is a clarion call for reduced Federal spending as the best measure against the rising costs of living and the ravages of inflation. The answers to question 23 spell this out loud and clear.

CLEVELAND ANSWERS QUESTIONNAIRE

Before getting to the results of my questionnaire, I want to comment briefly on my own position on the questions asked, as I have done in the past.

Many constituents who replied to my questionnaire asked me how I felt on the same issues. They are entitled to know. In answer to question 1, I agree with my constituents that the war in Vietnam, and a meaningful solution to it, is of first and primary importance. America's aspiration for peace is deeply embedded in our Nation's conscience. Unfortunately, it is often misunderstood by aggressors who mistake it for weakness. The goal of meaningful peace is often best attained by a manifest willingness to resist aggression. Second in importance, I would list the problem of the high cost of living and inflation, caused, in my opinion, by lack of fiscal restraint and sound judgment by this administra-

tion. Third, I would list the increasing centralization of power in Washington, resulting as it has in the need for congressional and political reform. This problem also reflects the growing need for more effective and dynamic State and local governments as a meaningful alternative to action by Washington to solve all problems. Fourth is the need to improve and increase effective educational programs at all levels. I use the word educational broadly to include, for instance, training, rehabilitation, continuing education, and so forth.

To list only four priority problems is always difficult when there are so many problems and matters of pressing concern. A substantial number of respondents left this first question blank. But the fact that the question is difficult does not mean it should be avoided. Nor does it mean that my interest and concern with many other problems is in any way lessened. Economic development, conservation, the development of better transportation, help for our senior citizens, creation of equal opportunities, the problems of crime and immorality, the conduct of foreign policy other than in Vietnam, improvement of labor-management relations, veterans' affairs, improved welfare programs, urban affairs, air and water pollution, public health and tax reforms are typical of some of the areas of concern to which thoughtful Americans, including Congressmen, must devote attention and concern.

VIETNAM

I do not favor withdrawal from South Vietnam as an easy way to end the war. Our commitment there stands in the eyes of the world and in the hearts of free men as reaffirmation of an important truth that aggression cannot be rewarded if freedom under law is to endure and the blessings of meaningful peace be assured. As I stated in answer to my questionnaire last year, I reserve the right to criticize the conduct of our commitment. My chief criticism continues to be that our Government has not made our intentions to stand by our commitment clear enough. Such a failure has in the past and will in the future encourage miscalculations by aggressors. I am in favor of maintaining our present position and policies and I also favor the bombing of all strictly military targets in North Vietnam. But, while standing firm, we should be always ready to encourage and enter into meaningful negotiations. Recent Republican initiative in urging a Southeast Asian Conference is an example.

Regretfully, I do not feel that the administration is giving the public adequate information concerning Vietnam. Too often the leadership in Washington is failing to speak with clarity, candor and unity. In my opinion, it has resulted in much needless uncertainty in this country and throughout the world. It may even be prolonging the very situation we are all so anxious to bring to an honorable and meaningful conclusion.

MY ANSWERS CONTINUED

I do not favor diplomatic recognition of Red China at this time, nor do I favor the seating of Red China in the United Nations at this time.

I favor the continuation of our foreign-aid programs and so voted, although I voted against the administration's wishes to project these on a 2-year basis. I also voted for reductions in the amount to be spent. I do not favor encouraging trade with the European Communist countries at this time. However, when the Vietnam situation is clarified, the administration's proposal should be reconsidered. I not only favor Federal tax credits for post-high school education costs, but have introduced and supported legislation to obtain this objective. I have voted against the rent-subsidy program and against the so-called war on poverty bill, although I have no quarrel with its objectives, and support alternative proposals which, in my opinion, would do the job better.

HUMANE TREATMENT—LEGISLATION

I favor legislation to set standards of humane care for animals used in federally supported research. Legislation which I introduced in the House last year, commonly referred to as the Cleveland-Clark bill, has won widespread editorial and public support.

Last January, the administration promised to submit to Congress legislation providing for Federal mediation of labor disputes involving the public interest. In his state of the Union message, the President promised to submit legislation that "will enable us effectively to deal with strikes which threaten irreparable damage to the national interest." Although I prefer to limit the Government's role in such an area, recent unfortunate developments make clear the necessity for new legislation.

I introduced legislation to raise the $1,500 limit which a person may earn without losing eligibility for social security benefits and favor such legislation as a first step toward removal of the limitation altogether.

I favor, of course, a strict code of ethics for Members of Congress. As a member of the Joint Committee on the Organization of Congress, I specifically urged this course of action, a position not adopted by the majority, regretfully. This is only one phase of the large problem of congressional reform to which much of my time has been devoted since coming to Congress. A Task Force on Congressional Reform and Minority Staffing, of which I am chairman, has recently published a book on this subject.

I voted for the Civil Rights Act of 1966, which contains a ban on racial discrimination in the sale or rental of private housing, but the administration's original proposal that it would apply to all private housing was modified by the Mathias amendment, for which I voted, by which individually owned homes and smaller rental units would not be covered.

I definitely favor stricter public accounting of political campaign finances and favor the administration's proposal to encourage small campaign contributions by a tax credit.

I have long advocated returning to the States a fixed percentage of Federal tax revenue.

DRAFT REFORM

I do not favor the Selective Service Act as it now works. Since 1964, I have called for an immediate and careful reevaluation and reform of the Selective Service Act.

A State with a bicameral legislature should be allowed to apportion one branch of its legislature on factors other than population, provided such an apportionment is approved by a state wide referendum at regular intervals. This would permit States to follow the Federal example, if they chose to do so, which finds the U.S. Senate proportioned on the basis of two Senators for each State and the U.S. House proportioned on a population basis.

A tax credit to private industries for expenditures to train, advance, and employ people lacking necessary skills should be enacted. This proposal is contained in the Republican-sponsored Human Investment Act, which is one of our constructive alternatives to the administration's war on poverty.

With my constituents, I, too, have felt very much the effect of an increase in the cost of living over the course of the last year, I agree with my constituents wholeheartedly that the best measure against the rising cost of living would be to reduce Federal spending, particularly on relatively new and untested programs.

The questionnaire results follow:

Questionnaire results, 1966

1. Please list in order of importance those issues problems or needs which you personally consider to be of primary importance (four answers requested):

1. Vietnam	3,561	13. The growth of crime and lawlessness	390
2. Inflation	1,731	14. Red China	387
3. Reduced Federal spending	1,451	15. High taxes and need for tax reform	361
4. Civil rights (including Negro problems and reaction to recent riots)	1,527	16. Ethics in government—Congress and executive	346
5. Big government; Federal-State relationship	890	17. Draft reform	297
6. Foreign aid	774	18. Criticism of Supreme Court	216
7. Education; need for more and better	643	19. Need to fight poverty	190
8. General concern for the course of our foreign policy	597	20. United Nations	135
9. Criticism of conduct of war on poverty	552	21. State sharing of Federal revenues	132
10. Labor-management problems	512	22. World Communist threat	131
11. More aid for senior citizens	474	23. Waste in government	118
12. Water and air pollution	429	24. Domestic extremist groups, on far left and far right	100

Questionnaire results, 1966—Continued

	Yes	No	No opinion	Blank
2. In the light of our current position in South Vietnam, do you favor:				
(a) Gradual, complete withdrawal?	1,389	2,432	189	2,301
(b) Maintaining our present position and policies?	1,809	1,740	269	2,493
(c) Blockading or bombing North Vietnamese ports?	3,074	748	244	2,245
(d) Bombing all military targets in North Vietnam?	3,930	707	214	1,460
3. Do you feel the administration is giving the public adequate information concerning Vietnam?	1,477	4,144	442	248
In general, do you favor:				
4. Diplomatic recognition of Red China by the United States?	2,207	3,730	307	67
5. Seating Red China in the United Nations?	1,969	3,966	286	90
6. Continuation of our present foreign aid programs?	1,639	4,136	375	161
7. Encouraging trade with the European Communist countries?	2,255	3,557	355	144
8. Federal tax credits for post-high school education costs?	4,171	1,675	428	37
9. Subsidizing rent for low and middle income families?	1,173	4,536	357	245
10. The war-on-poverty programs?	1,827	3,810	391	283
11. Legislation to set standards of humane care for animals used in federally supported research?	4,361	1,059	590	301
12. Legislation providing for Federal mediation of labor disputes involving the public interest?	4,847	997	352	115
13. Legislation to eliminate the $1,500 limit a person may earn without losing eligibility for social security benefits?	4,611	1,330	327	43
14. A strict code of ethics for Members of Congress?	5,568	368	338	37
15. A Federal law banning racial discrimination in the sale or rental of private housing?	1,951	3,899	400	61
16. Stricter public accounting of political campaign finances?	5,357	453	461	40
17. A tax credit to encourage small campaign contributions?	2,927	2,540	726	118
18. Returning to States a percentage of Federal taxes?	4,286	1,270	586	169
19. The Selective Service Act (draft) as now working?	2,761	2,445	918	187
20. Permitting 1 house of a State legislature to be apportioned on factors other than population provided a state wide referendum approves?	3,342	1,423	1,149	397
21. A tax credit to private industry for expenditures to train, advance, and employ people lacking necessary skills?	4,103	1,639	390	179

22. Have you felt the effect of an increase in the cost of living over the course of the last year? Very much, 3,661; a little, 2,419; not at all, 150.
23. Which one, if any, of the following steps would you favor as a measure against the rising cost of living (inflation)? [1]
(a) Voluntary price and wage restraints 1,053
(b) Increased personal income taxes 208
(c) Increased corporate income taxes 550
(d) Federal wage, price, credit controls 713
(e) Reduced Federal spending 4,751

[1] Some people answered more than 1.

LATEST DEVELOPMENT IN ADMINISTRATION'S WAR ON AGRICULTURE

Mrs. REID of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. LANGEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mr. LANGEN. Mr. Speaker, the President's declaration last Thursday that he is not going to spend all of the agricultural appropriations passed by Congress is further indication of the Johnson-Freeman war on agriculture.

While the President did not state specifically which programs were going to be limited, it is to be remembered that the original administration budget in January recommended reduction in the programs of school milk and school lunches, Agricultural Extension Service, REA financing, agriculture conservation program, agricultural research and experiment stations, land-grant colleges, watershed planning, and others. Our Agricultural Appropriations Subcommittee fully restored those cuts in the agriculture budget.

Is it now the President's intention to drastically limit these long-proven programs, in spite of the decision reached by Congress to fully fund them, in spite of thousands of citizens who sent letters of protest to the Congress following the budget presentation?

Are these programs being sacrificed in order that the many controversial programs in other areas, such as rent subsidies, high interest participation certificates to big investors, and the many other wasteful and unnecessary expenditures, can be funded instead?

This is a clear indication that the President and the Secretary of Agriculture insist on making the American farmer a scapegoat in not only blaming him for the present inflation, but further reducing the proven programs that have served the best interests of everyone for all of these many years, together with the health and welfare of our young men and women in our schools today.

In view of the President's declaration, he should promptly name the agriculture programs he is going to cut back, so that school budgets, rural community organizations, and other individuals benefiting from present programs may know what their future may hold. For they had been rightfully assured by the Congress that these programs would be adequately funded, and it is of crucial concern to them whether or not they can continue to rely on the administration to sufficiently sustain such programs.

HAROLD MILLER—DEDICATED, GOOD CITIZEN

Mrs. REID of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from Oregon [Mr. WYATT] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mr. WYATT. Mr. Speaker, last Thursday, Congressman DON H. CLAUSEN of California appeared on the floor of the House, and announced an agreement between the Federal Government and five companies located in his district, deferring the harvesting of timber in the areas of certain stands of virgin redwoods, pending further consideration of legislation to establish a national redwood park. He mentioned the good standing of Harold Miller, of Miller Redwood, in Crescent City, Calif, as a forest manager.

As a member of the Subcommittee on National Parks and Recreation of the House Interior Committee I have had occasion to learn something of the situation in northern California with regard to a national redwood park, and of the many misconceptions surrounding it.

I am also familiar with Harold Miller, who operates the Stimson Lumber Co., at Forest Grove, Oreg., in my congressional district. I know that Mr. Miller has the high esteem of all who know him in my State as a first-class citizen. He has operated there since 1933. His plant employs approximately 400 employees. He has obtained the great bulk of his timber from burned over timberland. This can only be accomplished through good timber practices and conservation methods. He has the highest respect in Oregon as an excellent manager of timber lands, and as a dedicated, good American citizen.

LAW AND ORDER

Mrs. REID of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. DERWINSKI] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mr. DERWINSKI. Mr. Speaker, there are many self-appointed experts and misdirected spokesmen currently commenting on problems of law and order in the country.

A very responsible expert is the Reverend Francis M. Nouze, O.P., who is a

graduate of the Oakland Police Department Academy and a recognized scholar in the field of law enforcement.

Under unanimous consent, I insert, as part of my remarks, an address given by Father Nouze at a luncheon meeting July 15, 1966, before the International Conference of Police Associations which is held in San Francisco, Calif.:

You men in law enforcement have a voice, and you are using it. I wish simply to try and provide you with more things that you may like to use on your own behalf. Some of the things I have for you are new arguments—at least I think they are new because officers in both the Los Angeles and Oakland Departments found them to be new. The other things are new ways of saying things you have already come to know. Many of the things I am about to say I have learned from others.

First, I will speak about general, ordinary problems that confront you in your job, and then I will talk about brutality, in quotation marks, and civilian review boards.

As a starter: citizens, as you know, are afraid to give first aid in traffic accidents because they have heard about law suits that have been decided against those who have given help. It might be good to relay this: (and this I learned from the head of the Alameda County Chapter of the Red Cross) damages have never been awarded in this country when the person giving first aid acted within his competence. I suppose even a doctor deserves to be sued successfully if he attempts an amputation on the shoulder of a road.

Many people are reluctant to report a crime, and many more are reluctant to witness one. Some think, "The testimony of witnesses is always discredited on television." Whether it is or not, citizens need to be reminded that it is not always discredited in reality. What about retaliation? It is, of course, a rare case, but so dramatic that it is retold a million times. I have stopped people short with this one, "Retaliation is simply retelliation." Moralists generally agree that such rare instances do not excuse a person from their moral obligation to report or witness a crime—and you may tell others that I told you so. Another good point is this: with a moral citizenry reporting crimes, there are very few cases of retaliation, but without a moral citizenry reporting crimes, all of us are in frequent danger.

To excuse themselves, people drag out the tired slogan, "Live and let live." And that is answered by saying that "Live and let live" means "Live and let die," or "Live and let perish."

If you can get people to stop and consider that without witnesses a culprit may go free because of insufficient evidence or because of a trumped-up but foolproof alibi, they may start to get a little bit irritated.

I have also stopped people short by pointing out that vice is a name given to those kinds of crime in which there is ordinarily no victim and no complainant—that all involved are willing parties to the crime—and that this includes illegal gambling, prostitution and other sex offenses, narcotics and various violations of laws dealing with alcoholic beverages. Then I ask how this considerable portion of the crime scene can be combatted if citizens do not make their serious suspicions known to the police. And better than that one: ask them, "How can 650 men alone (or however few there are in your department) maintain law and order in a city of 367,000 (or however many there are in your jurisdiction)?"

Those who denounce reporting and witnessing crimes as "ratting," "finking," "tattling," or "squealing," are, therefore acting against morals: And that needs to be pointed out especially to children.

Aristotle says, "As man is the best of all animals when he has reached his full development, so he is worst of all when divorced from law and morals." Citizens had better realize that unless they do a better job of complaining about crime, they are going to become the complainants of crime.

And when people ask you, "Really, why should I be the one to lose my peace of mind, time, and money to witness a crime," I think the answer, ultimately, has to be, "Because God expects us to do so."

What about the problem called your image? It startles people into awareness of this problem when we point out to them that more hatred is being heaped upon policemen today than upon the Germans and Japanese together in World War II.

Try this one: remind people that the Communists have repeatedly stated that they will take this country not by war but by doing four things: Infiltrating our churches, infiltrating our schools, destroying the morale of the police, and destroying the citizens' respect for the police. Also point out that in this matter the Communists do not seem to be lying—actions do speak louder than words. Then ask them, "Why these four objectives? Why not infiltrating banks or taking over the stock exchange or crippling our transportation systems—or all of them. What do the four stated objectives have in common? I think they have this in common: ethical citizens are the chief enforces of law—if, on the freeways, most citizens did not obey the laws because they felt morally bound in conscience to do so, there would have to be patrolmen every other block. By infiltrating churches and schools, the Communists hope to destroy the citizens' moral convictions that they should obey our laws. And when they destroy morale and the citizens' respect for you, they have it made". Laws are no longer enforced, and since it is the enforcement of the law that brings about order—law and order, but law enforcement stands between those two—the order in our society is gone. In fact, our society is gone, ripe for them to take over.

I have really shocked people into their senses by pointing out to them that in many ways you deserve more respect than a clergyman. You risk your life for them twenty-four hours a day—I don't. More than that: recruiting standards, at least in Oakland, are more demanding than they are for entrance into most seminaries, including Catholic seminaries. In Oakland, a man must have an above average I.Q. and so do seminarians. But the police recruit has to have at least two years of college or else pass an examination geared to a two-year college education, and very few seminaries require that. The police recruit must have good health—so too do we—but he must also pass examinations for physical strength, and we do not, and he must pass in physical agility, and we do not. He must also pass an oral psychiatric examination to determine his emotional stability and another to determine his capacity for judgment—some seminaries have just started that. Furthermore his background is thoroughly checked—even the parents of girls he dated in high school are sometimes asked for their opinions of him—and if that had been a criterion for prospective seminarians, let's face it, gentlemen, many would never have made it. There are lots of Augustines in our ranks.

Another comparison with clergymen: we teach Ethics, but you live with it—making extremely difficult ethical judgments all day long.

And these same comparisons can be made between you and doctors and lawyers. Do doctors or lawyers risk their lives for citizens twenty-four hours a day? Do their recruiting standards match yours? Do they have to make extremely difficult ethical judgments minute after minute, in a minute? Compare yourselves with bankers and businessmen, accountants and artists, judges and statesmen, with anyone you please, and gentlemen, society had better realize that every time you come out the winners.

And that brings us to this question—what is a profession? Are you in, or as a group about to enter into, a profession?

It seems to me that there are three hallmarks of a profession—and right away let us distinguish between a profession and a professional-type man. One is not the other.

A profession first of all requires exceptional intellectual knowledge of its members—And so, salesmen are not in a profession—although they may be very professional. Nurses are in a profession. Second, a profession requires that its members, at least by and large, be men of great virtue. And so, engineers—although they may be professional—are not considered to comprise a profession. For that reason, teachers are now considered by many no longer to comprise a profession. You want the instructor of your children to be competent in his field, but since curricula and teaching methods are now so prescribed, you no longer need to be so concerned that he is a man of great virtue. Third, a profession requires that its members be men of dedication beyond rewards on this earth. Accountants do not need to be so dedicated, and so they do not comprise a profession. Gentlemen, the days of the stupid flatfoot are gone. Society now demands that you know an awful lot and that you use your minds to handle that abundance of knowledge extremely well. This crucible of torment the police are now living in is bringing out greater and greater virtue and greater and greater and greater dedication. Yes, I would say that officers of the law are on their way to comprising a profession, and that as long as society remains as complex as it is, law enforcement will have to remain a profession or it will cease to exist.

I'm not yet ready to discuss brutality at this point, but before we go further, let me remind you of one more thing—something all citizens should be reminded of: doctors and lawyers lose their tempers, and so do clergymen, and under circumstances that are usually far less trying.

Of course, the courts have given you many problems—and that is the job of the courts. Your job is to solve the problems they have presented, and for that your voices can be very helpful. How is this for shaking people up? Not only is crime becoming the law of the land, but the law of the land is becoming a crime.

One dangerous saying on the lips of the intelligentsia is this, "It is better for one hundred guilty men to go free than for one innocent man to suffer." This is very true, and I'm sure we all agree. The saying is fine, as long as we keep the comparison in mind. But some people are extracting another meaning from that saying, and it is disastrous. Remember that our legal system is a human system. It is bound to make mistakes at times. Now: some sophisticated people imply that we must have a legal system in which no innocent man will suffer. If we were to adopt such a goal, we would have to abandon the possibility of any legal system. Such a thing simply cannot exist.

You know, gentlemen, probation is becoming synonymous in the minds of some citizens. You know with what? With "release". Probation is becoming synonymous in the minds of some citizens with release. Shout that from the rooftops.

Probation can be a very good thing, but it is ridiculous for probation to be added to probation—obviously the crimes are continuing to be committed. Cry this one from the

rooftops: rehabilitation of criminals is a very good thing, but rehabilitation to crime is quite another.

And this one: if this sort of thing continues, we will be living in a jungle in which survival of the unfittest will be the result. Shout that one from the satellites.

Point out to people that "some courts are run as if you are going to be the next defendant; they seem to seek your approval of their leniency. If you, a law-abiding citizen ever appear in court, it is more likely that you will appear there as the next victim."

The founding fathers of the United States wished that we citizens would take an interest in the decisions of judges—so much so that they provided us, the people, through the House of Representatives, with the power to remove federal judges from office. In fact, although the people have never impeached a president or vice president, they have three times impeached justices of the United States Supreme Court.

To show others that they need to show an interest in the courts, ask them whom you could contact in order to present your views on a certain judge. When few, if any, are able to answer, proceed to tell them: simply know which court is involved, in what city it is located, and then simply address the envelope to the judge at that place—or if they want to, they may write to the Presiding Judge at that place.

Judges to the higher courts are appointed; judges to the lower courts are elected. In either case, the words of Thomas Carlyle are worth quoting: "If an individual is really of consequence enough to have his life and character recorded for public remembrance, we have always been of the opinion that the public ought to be made acquainted with all the inward springs and relations of his character."

And remind people that "Crime is of no benefit to you, but safeguards and deterrents against crime are."

When I have given talks about your problems to other groups, I have always played a game with them. I tell them that I have a two word phrase in mind—the first word is "police" and I ask them for the second word. It has never failed: the second word is always "brutality." Gentleman, play that game with people, and then point out that the factual cases of brutality are so rare in comparison with the millions of contacts made every day between officers and men and women and children that although we may be amused by this "much ado about nothing" we can well be frightened by its fury—we can well be frightened by the very fact that this phrase has become a commonplace.

And then say to them, "Every five days, an officer in the United States loses his life in the performance of his sworn duty. And then ask them, whether they have ever heard that statistic before? Why not? And then ask them about the countless injuries officers suffer every day. And then, gentlemen, offer a substitute for that phrase, "police brutality." I would like to suggest, and I have been suggesting, "police fidelity".

Gentlemen, St. Thomas Aquinas explained that justice is based upon rights, and rights are always based upon needs rooted in human nature. For example, he says that courtesy is a matter of justice, that a man has a right to be treated courteously by his neighbors because without such treatment—if everyone around him is a boor—human life becomes impossible. He calls courtesy the oil of the social machinery. Gentlemen, of all the people on this earth, which ones rub elbows most frequently with society in the most difficult circumstances? Police officers. Of all the people on earth, you are the ones most in need of courteous treatment, and ironically, of all people on earth, you are so often given discourtesy in its most devastating dress.

St. Thomas also explained that a man has a right to hear truth when others speak to him. They do not have to tell all they know ordinarily, but when they do speak, an individual does have a right that what is said to him be true. Of all the people on this earth, which ones are fed a more constant diet of lies than yourselves?

St. Thomas argues that a man has a right to the affability of others. Again, human nature demands this. If all of a man's neighbors were to bear his animosity, human life would be impossible. An infant would not live out his first day in that kind of world. Name a group of men for me whose rights to affability are violated more frequently than yours.

Also consider that officers deal more intimately and more often with people of weak wills than any other men on earth, and yet he is expected to remain uncorrupted.

And tell me, what group of man deal more frequently and more often with those who are consumed with absolutely perverse wills—consumed with malice, as we call it. Gentlemen, those who shout loudest about violations of rights in today's world—are woefully lacking in their appreciation of ethics.

And the very fact that people dare to say things to you that they would not dare to others shows that you are men of disciplined courtesy. Surely, since you risk your lives for them, they can afford to give you their consideration, their courtesy.

About civilian review boards. For a starter, you might like to quote Bishop Floyd L. Begin, the Bishop of Oakland. In a statement that appeared in the Oakland Diocese's newspaper last May 26th, he had much to say about review boards. Among other things, he said, "I was not born yesterday—for years it has been a concerted effort of Communists to concentrate their venom on the police all over the country."

It is good to recall that St. Thomas Aquinas, commenting on Aristotle's Metaphysics, points out that experience is rooted in the memory of man and is said about particular instances of the same kind, whereas an art or skill is rooted in the memory of particular instances of so many kinds that it provides a universal understanding which is applicable to all the particularities in the field. Thus, a boy who carves three toy canoes out of three blocks of pine wood is credited with that experience but not with the art of woodcarving. The artist has carved so many kinds of things from so many kinds of wood that when he picks up a piece of birch wood for the first time, he knows from its weight, texture, and grain just what can be carved from it. A chief of police exercises an art and a skill that is unique as well as essential to his position. Those who have some smattering of experience in the problems of law enforcement cannot exercise that art and skill. Further points need to be made. First, to be effective disciplinarians, we want the man in authority, like the President of the United States, to be a model of excellence. Why? Because example is the best teacher. Civilians are not models of excellence in police work. One difference between a tyrant and a ruler is a good example. A civilian review board already has that ponderable note of tyranny about it even before it begins to operate.

Second, the word "superior" is used to mean "superiority" in one's field, and the word "authority" is used to mean being an authority in one's field. Both words are used also to mean exercising superiority or authority over others, disciplining others. We expect these features to be together in the one who commands.

Third, it should not be argued that just as a surgeon is never asked to perform an appendectomy on himself, neither can a police department perform surgery on itself. The surgeon is incapable of performing the surgery, whereas a police chief is not. Furthermore, other surgeons are qualified to perform the appendectomy but civilians are not qualified to perform surgery on police departments.

Of course, review boards are demanded because of the "brutality pollution" in the air. Whatever part of the United States or Canada you come from, I'm sure you have heard of "brutality" in Oakland. Gentlemen, Oakland's Judge Charles W. Fisher recently stated that in his twelve years he had yet to see one authenticated case of brutality. Since the air is not as polluted as they keep telling us, the peddlers of "police brutality" are mistaken. And if these peddlers know that the atmosphere they depict is false, they are also false.

When I was in Watts, Mrs. Ozie Gonzaque, who was called to testify before the McCone Commission, echoed the sentiments of fellow Watts residents attending a dicussion of police when she said, "The reason why the masses of Negroes reject some of our 'spokesmen' is not so much because they are middle- or upper-class people and often offer nothing more than advice to the really poor. They are rejected because they simply are not our spokesmen." It is also noteworthy that advocates of civilian review boards are apparently content with the prospect of poorer-performing policemen, for a lowering of recruiting standards is also advocated.

Gentlemen, the very best argument I have found to use against your critics is a simple question, Would you want to be a policeman?"

Gentlemen, notice a very unmistakable emphasis, with its overtones pertaining to law enforcement, in the Preamble to the Constitution of the United States—Chief Toothman pointed this out to me: We, the people of the United States, in order to form a more perfect Union, establish Justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of Liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

And as Abraham Lincoln would say today, I am sure, we, each of us, must make sure "That this nation, under God, shall have a new birth of freedom, and that government of the people, by the people, for the people, shall not perish from the earth."

And St. Paul said, Romans 13: 1–7:

"Every Christian ought to obey the civil authorities, for all legitimate authority is derived from God's authority, and the existing authority is appointed under God. To oppose authority then is to oppose God, and such oppression is bound to be punished.

"The honest citizen has no need to fear the keepers of law and order, but the dishonest man will always be nervous of them. If you want to avoid this anxiety just lead a law-abiding life, and all that can come your way is a word of approval. The officer is God's servant for your protection. But if you are leading a wicked life you have reason to be alarmed. The power of the law which is vested in every legitimate officer, is no empty phrase. He is, in fact, divinely appointed to inflict God's punishment upon evil-doers.

"You should, therefore, obey the authorities, not simply because it is safest, but because it is the right thing to do. It is right, too, for you to pay taxes for the civil authorities are appointed by God for the good purposes of public order and well-being. Give everyone his legitimate due, whether it be rates, or taxes, or reverence, or respect."

Gentlemen, the voice of law enforcement needs to be heard in our land.

Mr. Speaker, I feel this address by Father Nouze merits careful and con-

tinuous review, coming as it does from a respected clergyman who is an expert in this particular field.

THE HONORABLE PAUL FINDLEY SOUNDS WARNING

Mrs. REID of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. RUMSFELD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mr. RUMSFELD. Mr. Speaker, I ask unanimous consent to place in the RECORD at this time a copy of an editorial from the Illinois State Journal, dated September 10, 1966, which discusses the German gun contract and the current dispute between my colleague, the Honorable PAUL FINDLEY and the Secretary of Defense, Mr. McNamara:

NEW MCNAMARA FOLLY—FINDLEY SOUNDS WARNING

It is a cause for concern among all Americans that the fate of their country rests in so great a degree on the shoulders of Robert S. McNamara, secretary of defense.

Mr. McNamara, who has a long record of unfounded optimism on the state of the war in Viet Nam, persists in running the defense establishment with chief reliance on computers and technocrats and with little regard for the opinions of professional military men.

Congressman PAUL FINDLEY of our own 20th District, is the latest nationally respected figure to bring to public attention another in the long series of stubborn and ill-advised McNamara decisions.

This is the secretary's insistence on placing with a West German firm a $73.3 million order for some 20-millimeter automatic guns which have a long history of unsatisfactory performance in tests conducted by the U.S. Army.

As FINDLEY has noted in a recent statement, McNamara in fact "reversed a decision by Gen. Creighton Abrams, vice chief of staff of the U.S. Army, to terminate further efforts to make the gun work."

Most disturbing of all FINDLEY makes the well-documented charge that McNamara actually misled Congress. He testified before the House Armed Services Committee that early deficiencies found in the weapon had been corrected and that it had been found to meet "all requirements of reliability and accuracy and is considered suitable for U.S. Army use without further modification."

But FINDLEY contends that on the very day McNamara was testifying "every element of the system was deficient or in doubt." Indeed, testing had not yet been completed and one month later a final report on the weapon showed grave shortcomings.

One can only deplore the fact that at latest report, McNamara in spite of FINDLEY's revelations is proceeding with the award of the contract to the West German firm.

McNamara has consistently shown that he has as little regard for the opinions of Congress as he does for the nation's military men.

Because of the seriousness of the situation we feel that Congress should follow FINDLEY's recommendation that a committee be named immediately to undertake a thorough investigation.

What is being dealt with here is the basic military security of the United States. American soldiers should never be sent into battle unless equipped with the very best weapons that our military science can devise.

We should above all avoid reliance on any weapons which our own military professionals consider deficient. This appears to be the situation concerning the 20-millimeter guns.

A BILL TO AMEND THE ACT OF SEPTEMBER 30, 1961, TO FACILITATE THE MERGER OF THE NATIONAL AND AMERICAN FOOTBALL LEAGUES

Mrs. REID of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. CRAMER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mr. CRAMER. Mr. Speaker, in the last session of the Congress, the other body passed a bill which was designed to clarify the antitrust status of professional team sports. The Professional Sports Act of 1965, S. 950, has been pending before the Judiciary Committee since its passage on August 31, 1965.

This bill was considered at length in the other body. It would apply to the organized professional team sports of baseball, football, basketball, and hockey. It is designed to place these sports firmly within the purview of the antitrust laws in their business aspects. The bill, however, then carves out certain exemptions from the antitrust laws, which apply to activities and practices of the teams which are incidental and necessary to maintenance of balanced competition in the sports aspects of league operation. These exemptions relate to, first, the equalization of competitive playing strengths; second, the employment selection or eligibility of players, or the reservation, selection or assignment of player contracts; third, the right to operate within specific geographic areas; and fourth, the preservation of public confidence in the honesty of sports contests and professional competition.

The problem under existing law is quite simple: Baseball is wholly exempt from the antitrust laws. *Federal Baseball Club of Baltimore* v. *National League of Professional Baseball Clubs*, 259 U.S. 200 (1924). Football, in at least some respects, enjoys no such exemption. *Radovich* v. *National Football League*, 352 U.S. 445 (1957). The uncertainty produced by this latter decision has resulted in the confusion that presently surrounds the proposed merger of the National and American football teams, to the extent that there are fears that the contemplated merger cannot be implemented. The long-awaited professional championship and other joint league activities hang in the balance. The vitality of the report, to which the public should be entitled, is threatened by congressional inaction.

Mr. Speaker, I believe hearings in the House Committee on Judiciary on S. 950 would have shown that the bill presents a balanced, fair and equitable amelioration of the antitrust laws in this limited area which would have benefited the public, the players, and the teams. S. 950 would have, moreover, provided the same, much-needed protection to high school football that is presently enjoyed by college football in the matter of broadcasting of professional football games. An amendment by Senator DIRKSEN in the other body would have prohibited the broadcasting of professional football games within 75 miles of the gamesite of an intercollegiate football game on any Friday evening or Saturday. This protection was accorded college football in 1961 and has proved beneficial to both the collegiate and professional game in preserving the balance in public spectator participation in these sports.

One reason the bill has not had a hearing should be apparent from a newspaper article in last Friday's Washington Post which I will insert in the RECORD following my remarks. The chairman of the Committee on the Judiciary, the distinguished gentleman from New York [Mr. CELLER], advised the commissioner of the National Football League that the league might well proceed with their contemplated merger, since no one had filed a suit or raised any question based on the announced plans for the merger. His position was that legislation was unnecessary; he is quoted as saying:

> I told him [the Commissioner] not to worry and to go ahead and try it (the merger plan).

The value of this advice was drastically diminished, however, with the arrival of Saturday's Washington Post. The article contained therein, which I also insert following my remarks, details a suit filed by a group of disappointed Chicago businessmen who had been seeking an American Football League franchise. The suit, to quote one of the group members, "was prompted by the stand taken yesterday by the Government"—meaning Chairman CELLER's decision not to act.

It should now be obvious to all that some relief is required immediately to allow the necessary operations contemplated by the proposed merged football league during the season just commenced. Time is waning in this Congress within which the definitive relief contemplated by S. 950 might be forthcoming. I doubt that time remains to conduct full hearings and act upon the comprehensive bill. Sports, in this instance professional football, deserves congressional attention and consideration.

Accordingly, I have introduced today an interim proposal which addresses itself to the immediate situation that obtains in professional football. First, it would provide a specific exemption which would apply to the proposed merger of the two leagues. Second, it would provide protection for interscholastic football, commensurate with the protection now provided for intercollegiate football from television broadcasts of professional football games.

Mr. Speaker, this legislation will not solve the larger problem of all professional sports. It will be necessary for the Congress again to act in this area as it should have acted last year, in order to clarify the overall professional sports antitrust picture. But I believe it has

been amply demonstrated that some relief is quickly needed to insure that the public will have enjoyment of a vital, action-packed sport which is rapidly becoming—if it has not already become—a coast-to-coast favorite, and an irreplaceable part of our national scene.

It is well to note that not only the National and American Leagues, their owners and players, are involved. But at stake, as well, are the so-called minor leagues like the North American, and Atlantic Coast Football Leagues whose survival and health is dependent on the major leagues. I know myself that no one in my district—including myself—would want to jeopardize such fine teams as our St. Petersburg Blazers who, with their affiliated teams in the North American league, have provided many memorable fall afternoons for so many fans.

Accordingly, I urge immediate action on my bill by the Committee on the Judiciary, and in rapid due course, by this distinguished body.

[From the Washington Post, Sept. 9, 1966]

CELLER GIVES NFL GO AHEAD ON MERGER

(By Dave Brady, Washington Post staff writer)

Rep. EMANUEL CELLER (D-N.Y.), foremost authority in Congress on antitrust legislation, yesterday advised the National Football League to go ahead in its projected merger with the American Football League.

CELLER, chairman of the House Judiciary Committee, turned down a request from NFL Commissioner Pete Rozelle for specific legislation that would exempt the merger, or "expansion," from the antitrust laws.

But he told Rozelle he did not see any reason why the NFL should not go through with the merger because there would be no opposition from Congress as far as his antitrust subcommittee was concerned and that he did not think the Justice Department would oppose it.

"I told him (Rozelle) I can't see any reason for them (the pro leagues) not to go ahead with their plans," CELLER said. "There hasn't been any suit filed or any questions raised. I told him not to worry and to go ahead and try it (the merger plan)."

Rozelle, who met privately with CELLER, said in a statement issued last night:

"Chairman CELLER is a recognized expert on antitrust legislation. We are pleased to have his assurances concerning the legality of our plan for an expanded league and his advice to go forward.

"On the other hand, we have responsibilities to 24 franchises in 23 cities as well as to possible expansion cities currently being studied under the total plan.

"We feel hesitant because of the numerous complex commitments that must be made on a long-range basis. For this reason, we will continue to urge legislation in Congress."

In that connection, Rozelle is expected to ask the Senate to hold hearings on a specific bill that would pertain only to the possible antitrust ramifications of the merger, but not player contracts, territorial rights and other provisions contained in the Hart sports bill which already has passed the Senate.

The Hart bill would exempt all professional team sports from certain aspects of the antitrust laws. That measure has been stalled in the House.

Rozelle's specific legislation approving the merger would guarantee high schools as well as colleges protection from pro football telecasts on Friday nights and Saturday afternoons from the second week in September until the second week in December, as provided in the Hart bill.

Public opinion doubtless would favor the merger legislation because the public for several years has been clamoring for a championship game between the winners in the two pro leagues.

The merger legislation would permit a common draft of college players by the pro leagues.

There is a precedent for specific legislation for a sport. In 1961, a bill legalizing single-network TV contracts by professional sports leagues was introduced by Rep. CELLER, passed the House Sept. 18 and the Senate Sept. 21. It was signed into law by President Kennedy Sept. 30.

Rozelle branded as "absolutely untrue" a report earlier yesterday in which he was supposed to have said the merger would be called off if Congress failed to act on legislation.

TITLE GAME SITE UNCERTAIN

The commissioner said he has been making visits to Capitol Hill since June 8, suggesting that the NFL might have to reevaluate its total merger plan unless enabling legislation was forthcoming. But that was before Rep. CELLER volunteered his legal advice yesterday.

Rozelle shuttled to Washington from his New York office for the last three days.

Despite the encouragement he received from CELLER; Rozelle said no date or site has been chosen for a game between the two league champions, nor has a commitment been made for a telecast of the game.

It probably will be played in January in New Orleans, Los Angeles, or Miami.

JANUARY DRAFT LIKELY

The common draft also likely would be conducted in January, after all college bowl games are played.

Rozelle said he discussed the June 8 announcement of the proposed merger with CELLER and Sen. PHILIP HART (D-Mich.), chairman of the Senate antitrust subcommittee, before it was made public.

[From the Washington Post, Sept. 10, 1966]

WITHDRAWN PROMISE OF AFL FRANCHISE FORMS GROUNDS—CHICAGO GROUP SUES TO PREVENT FOOTBALL MERGER

CHICAGO, September 9.—A group called Chicago Football Associates, which previously sought an American Football League franchise, announced today the filing of a $12 million suit to prevent the planned merger of the National and American Football leagues.

Robert Nussbaum, Chicago stockbroker and head of the group, said the suit was filed today in United States District Court.

Nussbaum, who formerly operated the Chicago Panthers, a semipro team, said, "Our suit frankly was prompted by the stand taken yesterday by the government."

This referred to the rejection by Rep. EMANUEL CELLER (D.-N.Y.), chairman of the House Judiciary Committee and its antitrust subcommittee, of a plea by NFL Commissioner Pete Rozelle to exempt the NFL–AFL merger from antitrust laws.

The suit charged that Chicago Football Associates was illegally denied an American Football League franchise in Chicago as a result of the intended merger.

"A week before the merger I thought I had an American League franchise for Chicago," said Nussbaum. "But it came as a bolt out of the blue when I talked to Lamar Hunt of the AFL expansion committee and was told that the merger precluded Chicago getting a franchise from his league.

"Our attorneys say we are on solid grounds in our suit for treble damages, which is based on 2½ years of work trying to get a franchise and damages for loss of prospective profits from club operations, including television income."

Rep. CELLER, in rejecting Rozelle's plea, instructed the two leagues to go ahead with plans to combine the two leagues, commenting, "There hasn't been any suit filed or any questions raised."

Nussbaum said he and his associates—William Krause, owner of a downtown chain of parking lots, and Arch Friedman, operator of a steel warehouse—began working on the suit after the merger of the two leagues was announced June 8.

"We definitely feel the merger is in restraint of trade under the Sherman Act and also under the Clayton Act and are suing for damages on that basis," Nussbaum said.

"We still want a franchise for Chicago and it's up to the fans to decide whether Chicago can support two pro football teams. The whole merger is criminal. It's not fair to the players or fans."

Nussbaum said the suit, naming all clubs in each league, sought to enjoin the leagues from completing the merger.

The Chicago Bears have held a franchise here since the NFL's inception. Another Chicago NFL team, the Cardinals, shifted to St. Louis after the 1959 season, while the Chicago Rockets operated here unsuccessfully as a member of the defunct All-America Conference.

Nussbaum operated the Chicago Panthers in the Central States Football League from 1962 through 1964.

In New York, a National Football League spokesman said that Rozelle had no comment at this time. Rozelle is traveling to Atlanta to see the Falcons' opening game Sunday.

RED CHINA: A REALISTIC APPRAISAL

Mr. BUCHANAN. Mr. Speaker, I ask unanimous consent to address the House for 30 minutes and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BUCHANAN. Mr. Speaker, I am very much disturbed by recent changes of emphasis in our policy regarding Communist China. I fear that we may be formulating a new policy based on old myths and new hopes—hopes based more on daydreams than on any realistic appraisal of the international scene. And I fear that in the process we are voluntarily discarding a policy that has been successful in the past, both in containing and in diminishing the influence of the Chinese Communists in Asia and in the world.

Where once the position of the United States in regard to Communist China was clear to all people, it is today murky and poses more questions than it gives answers. Today we have various spokesmen for the administration seemingly speaking at odds on our China policy—some urging firmness and a continuation of support for the Republic of China, others urging changes in our policy.

Only a few days ago, our Ambassador to the United Nations, Arthur J. Goldberg, gave a rather ambiguous answer when asked whether the United States might be softening its long opposition to Peking's admission to the U.N. He replied:

We have not yet come to the view of what our attitude will be at the next General Assembly. Before the General Assembly con-

venes, of course, we will have to. At the moment, American policy has not changed.

Mr. Goldberg then went on to stress that the United States "will never agree" to the expulsion of Nationalist China from the U.N. as the price of Communist China's admission. He said:

Under any and all circumstances we will keep our commitments to the Republic of China at Taiwan. That is a firm commitment of the United States."[1]

And yet, how firm is that commitment?

On March 13, for example, Vice President HUBERT HUMPHREY appeared on "Meet the Press," picked up the catchphrase used by witnesses before the Senate Foreign Relations Committee, and presumably made it administration policy when he defined as a "worthy objective" of the U.S. policy the "containment without necessarily isolation" of Red China.[2]

This, noted Scripps-Howard staff writer R. H. Shackford, was "a subtle but major shift of synopsis in China policy."[3]

And Washington Star Reporter William Frye, writing from the United Nations, said that—

Reports that a two-Chinas plan is under consideration are regarded here as an American trial balloon, designed to sound out popular feelings in the United States. If there is no major outburst of protest—and few expect there will be—the scheme is likely to become U.S. policy.[4]

Similarly, Washington Post Reporter Murrey Marder noted on March 27 that—

As recently as last month, William P. Bundy, Assistant Secretary of State for Far Eastern Affairs, said in a major policy speech: "It continues . . . to be U.S. policy to support the position of the Republic of China in the U.N. For our part, we will continue to oppose the admission of Communist China." The formulation has been altered. Instead of talking about opposing the admission of Communist China . . . officials now stress that "a good deal of this isolation is self-imposed . . .[5]"

This new tack was given emphasis once again the next day by Ambassador Goldberg, when he stated that—

There is a great deal of interest and concern in the United States about a two-China policy—

And that—the matter is being—

intensively reviewed by the American Government.[6]

What a change from our policy of just a few years ago. In the past the world knew where we stood—knew that we opposed admission of Red China to the United Nations, knew that we would not recognize the tyrannous Communist regime on the mainland, knew that we would honor our pledges and support the Government of the Republic of China with all our resources, knew that we would stand firm with our allies throughout Asia and the world in opposing Communist expansionism. There was no doubt about our policy.

And that, I propose, is one of the principal causes of the many diplomatic setbacks suffered this past year by the Peking regime. The primary cause for their setbacks, of course, is the desire of people around the world to maintain their independence—a desire which naturally causes them to fight Red Chinese subversion within their borders. But most of these nations are much smaller in population and resources than the threatening giant on the China mainland.

They know that alone they cannot successfully maintain their independence. They know that they must have help, and instinctively they realize that if communism is to be defeated in its drive to conquer the world, only the United States has the resources to lead the free world in frustrating that drive for conquest. And so, even where their local political situation forces them to forsake any open alinement with us, the people of these smaller and less powerful nations pay close attention to the policies of the United States.

If they are to take firm action against Chinese Communist subversion in their midst, they must at least be assured that communism is not—as it asserts—the "wave of the future," and that they are not passing up a chance to get on the winning side.

Let us look for a moment at the desperate diplomatic straits of the Red Chinese. Consider their diplomatic record for this past year:

In Algeria, a military coup last June deposed one of Red China's best friends in the Arab world, President Ben Bella.

In Burundi, the Government broke diplomatic relations with the Peking regime when it was disclosed that the Red Chinese were backing an antigovernment tribe. This tiny African nation had been a key Chinese base for supporting the rebellion in the Léopoldville Congo.

In the Central African Republic, diplomatic relations with Peking were terminated on January 1 of this year.

In Ceylon, the elections of 1965 replaced a pro-Peking government with a pro-Western government.

In Dahomey, an army coup last December resulted in severed relations with Red China.

In Ghana, pro-Peking President Kwame Nkrumah was deposed on February 24 and most of the Chinese advisers in the nation were expelled.

In Afghanistan, just this past April, the Red Chinese Chief of State, Liu Shao-chi, concluded his 4-day visit to that country suffering several setbacks. He did not get the condemnation of U.S. policy in Vietnam that he sought, and the Afghan Government also rejected any increased material links with Communist China.

In the Ivory Coast, President Felix Houphouet-Boigny earlier this year gave a most significant warning to African nations of the serious long-term dangers Red China poses for that continent. The danger, he told them, comes both from active subversion and through the corruption of politicians and the use of foreign aid programs. The Chinese Communists, he warned, have to aim for the capture of governments rather than the conversion of the African masses, who are immune to Communists enticements, he said, because of "our strong belief in family property and all our traditions and ways of thought."[7]

And most significant of all is the dramatic reversal in Indonesia—the fifth largest country in the world in population. There the pro-Peking Indonesian Communist Party has been all but destroyed, and pro-Peking President Sukarno relegated to the position of front man for a new, anti-Communist government.

Add to this Red China's reverses within the Communist camp. Its sharp break with Cuba. Its slipping hold over the Japanese Communist Party and the North Korean Communist Party and Government. Its friction with North Vietnam, which—despite strong Chinese criticism—is increasing its political and military ties with Soviet Russia. And, of course, its increasingly big feud with the U.S.S.R.

And add to this the increasing alertness of the other non-Communist and anti-Communist nations of Asia to the dangers posed by Red China. The Republics of Korea and China remain as firmly opposed to the Communists as ever, and so does the staunchly anti-Communist government of Thailand. In Australia, Japan and India we see increasing opposition to any appeasement of the Red Chinese.

The diplomatic situation is very bleak, indeed, for Peking, and I ask, why rescue the Red Chinese from their predicament? Why give them the tools they need to survive and turn the tide in their favor—the respectability they would gain from admission to the United Nations, diplomatic recognition and the lifting of all trade embargoes?

What is important is not that Red China is presently turning down our offers, thus making them appear somewhat "safe," but that by our changed stance we undo the good results of our former policy and become the paper tiger in the eyes of the remaining free people of Asia.

What was once a government sure of its position on Red China, standing by its allies in the Far East, and calling the bluff of the Red threats, now may become—I fear—the sycophant, begging the Red Chinese to accept its offerings. And all of this has come about without any lessening of the militancy of the Peking regime—indeed, it has occurred despite increased militancy on the part of the Chinese Communists.

The results may be disastrous. Our policy of firmness had earned us the respect of the world—which is the most

[1] "Goldberg Says US Won't agree to Taiwan Expulsion From UN," The New York Times, Aug. 23, 1966.

[2] "HUMPHREY Hints US Is Altering Policy on China," The New York Times, March 14, 1966.

[3] "US Takes New Look at Peking," The Washington Daily News, March 16, 1966.

[4] "US Weighs 2-Chinas Plan for UN," The Evening Star, Washington, D.C., March 26, 1966.

[5] "Vietnam Key to China Policy Shift," The Washington Post, March 27, 1966.

[6] "Goldberg: China Isolation in UN Could End," The New York Herald Tribune, March 29, 1966.

[7] "Ivory Coast Head Calls China Peril," by Drew Middleton, The New York Times, April 10, 1966.

a world leader can expect or should desire. It had paid off, as the series of setbacks to Red China testify.

Do we seriously believe, for example, that the Communists would have been thrown out of Indonesia had the United States not been resolute both in Vietnam and—before and during the Vietnamese conflict—with regard to Red China?

Do we seriously believe the people of Thailand could afford to remain firmly opposed to the Communists in their midst and across their border if they were not sure of U.S. intentions?

Do we seriously believe that any of the free people of Asia would trust the United States if we reneged on our pledges to the Republic of China?

Dr. Milorad Drachkovitch, a senior staff member and expert on communism at the Hoover Institution on War, Revolution, and Peace, has said—and I thoroughly agree with him—that:

> A policy of containing *and* isolating China has brought tangible results. We should not make it easier for the Chinese Communists to build what they call a "worldwide united front" against us and the other non-Communist countries.[8]

Mr. Speaker, at this time I would like briefly to analyze and rebut some of the principal arguments given lately for a reevaluation of our policy toward Communist China.

First. We have been told that we should reevaluate our policy of firmness toward Peking because of the new leadership that is likely to emerge after the imminent death of Mao Tse-tung. By putting forth the bait of membership in the United Nations and normal diplomatic relations, it has been said, we can make it more attractive for a young, dissident leadership to emerge which would take a more conciliatory position on foreign affairs.

This argument implicitly assumes—though those who pass it on may not realize the assumptions of their own argument—it assumes that Communist China's foreign policy is arrived at by some sort of democratic process, even if only within the party ranks, and that it is arrived at rationally and pragmatically. Both assumptions are demonstrably false and indeed, seem ridiculous once made explicit.

I do not believe I have to detail here the irrationality and paranoia that surrounds Communist Chinese foreign policy—that has been noted and commented upon by analysts of many divergent and often-opposed viewpoints. We know also that their foreign policy is not voted upon by the populace or even by Communist Party members inside China, but is rather the product of the ruling politburo and its internal cliques.

Now, much has been said and predicted about who will succeed Mao. In recent weeks one man has emerged as heir apparent: the Minister of Defense, Lin Piao. Lin is a recognized hardliner, a Stalinist, who has played a prominent part in the recent purges of party intellectuals and leaders.

From Lin's past history and present performance, we can be certain that the new leadership will be no less militant in foreign affairs than Mao, and perhaps more so. There are no softliners or doves, even in relative terms, among the new leaderships.

I note that at a recent background briefing for editors, the China specialists in our State Department said that any new Red Chinese leadership would be more likely to make changes in internal rather than foreign affairs. Because Taiwan is the gut issue as far as the Communists are concerned, these specialists said, there is very little likelihood of any improvement in Peking's attitudes toward the United States or its neighbors.[9]

And writing from Taipei, Taiwan, Washington Evening Star correspondent Crosby S. Noyes reports that the view there is that the behavior of a new Peking regime almost certainly would be worse instead of better.

Noyes finds "enough circumstantial evidence backing up the view of the Nationalists to give it considerable weight. And it is significant," he adds, "that their prediction of the evolution of the Chinese Communist leadership is shared by many Asians, including Japanese and Koreans."[10]

Nor, unfortunately, is there any real opportunity for dissent from below the Politburo to affect Red China's foreign policy, now or in the near future. The new purge now developing on the mainland will see to that. It affects everyone from Kuo Mo-jo, who as president of both the Chinese Academy of Sciences and the Federation of Arts and Letters is considered the regime's No. 1 intellectual, to the local village high school graduate. The regime admits that some 160,000 such intellectuals already have been transported to the labor camps in China's barren and wild borderlands.[11]

No, it is unfortunate but obvious that we cannot base our foreign policy on hopes for a more conciliatory regime in Peking. If anything, Red Chinese subversion is liable to pose more of a danger around the globe. Far from retreating as a result of the past year's diplomatic reverses, China's strategists seem to be shifting to what could be a more subtle and dangerous policy of subversion in Asia, Africa and Latin America.

Let me quote at some length from a report from Peking, by Toronto Globe & Mail correspondent, David Oaniia. He writes:

> The blueprint for Peking's projected policies was unveiled by Mei Yi, head of the Chinese delegation to the 4th plenary meeting here yesterday.
>
> Mei's speech to the meeting, which was closed to Western and European correspondents, hinted that Peking will no longer attempt to come to terms with governments in power in Latin America, Africa, and Asia, where it has suffered rebuffs. Its attempts to do so in Indonesia and Ghana have turned out to be successful.
>
> Neither will Peking place much emphasis in the future on promoting all-embracing Afro-Asian solidarity movements. It will, instead, divide nations into those who are for China and those who are against it and act accordingly.
>
> Henceforth, Mei's enunciation indicated, China will support extreme left-wing opposition forces in the respective countries and make more use of groups such as the Afro-Asian Journalists Association to foster its ideology.
>
> It will encourage these groups to train tough, well-disciplined revolutionary cadres who are not afraid of fighting to return to their own countries to wage the struggle which Peking feels Soviet revisionists have abandoned.[12]

Need I add that one of the strongest weapons we have in fighting such subversion among the masses is the strong moral indictment that exists against Peking and against such tactics? How can we convince the people of Latin America, Africa and Asia of the dangers of Red Chinese subversion and terrorism at the same time that we cloak them with respectability by granting them the privileges of peace-loving nations?

Second. We have also been told that by establishing diplomatic relations between the United States and Red China we would be able to talk directly with representatives of the Peking regime about matters in dispute. The assumption of this argument is that we have not had such contacts to date, or that they have been insufficient, and that lack of such contacts is a danger to peace.

The answer to this argument was stated quite forcefully and succinctly by our Assistant Secretary of State for Far Eastern Affairs, William P. Bundy, in his February 12 speech at Pomona College.

> As far as contacts through diplomatic channels are concerned—

He said—

> we have have had 128 meetings at the Ambassadorial level with Peiping's representatives, first in Geneva and now Warsaw. I think it is fair to say that we have had the longest and most direct dialogue of any major Western nation with Communist China. I am bound to say at the time, however, that the dialogue so far has not been very productive and flounders on the fundamental issue of Peiping's demand for Taiwan and by its stated conviction that the United States is by historical necessity Peiping's prime antagonist on the world scene. But it is fair to say that it is more of a dialogue than we could expect to have if we were ever to recognize Communist China, if the experience of Western diplomats in Peiping is representative.[13]

Since that speech, we have had our 129th unproductive meeting with Peking's representatives.

Third. Related to the previous argument is the charge that our policy toward Communist China should be revised to aim for "containment but not isolation," to use the current catch phrase. Usually present is the implication that the United States has been responsible for Red China's isolation.

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[8] "Opinion At Home and Abroad," The New York Times, March 20, 1966.

[9] "China Power Shift Hinted," by Bernard Gwertzman, The Evening Star, Washington, D.C., April 30 1966.

[10] "Taiwan Doubts Youth Will Rise In Peking," by Crosby S. Noyes, The Evening Star, Washington, D.C., May 3, 1966.

[11] "Crackdown on 160,000 China Intellectuals," New York Herald Tribune, March 13, 1966.

[12] "Tougher China Policy Is Seen After Rebuffs," by David Oaniia, The Washington Post, April 25, 1966.

[13] Department of State release No. 26, Dated February 12, 1966.

But here again, the record disproves the charge and the argument, for the record gives abundant proof that Red China's isolation is self-imposed—and one would have a hard time, I might add, convincing Korea, Japan, North or South Vietnam, Thailand, India, Ghana, or a host of other nations that such Red Chinese isolation exists.

Nevertheless, consider this partial record:

Since 1958, the United States has validated passports of over 80 representatives of newspapers and other media for travel to Communist China. Only two have been admitted.

In 1961, President Kennedy said the United States would consider a Chinese Communist request to purchase grain. Though this move came at a time when food shortages were acute in China, Peking's response was to denounce the President and to reject any trade with the United States.

The United States has offered visas to Chinese Communist doctors, allowing them to visit medical institutions here even if American doctors were not allowed to visit mainland China. Peking has rejected such offers.

The United States has offered visas to Chinese Communist professors and scholars for visits to American universities, even if our professors and scholars were not allowed to travel to Red China. Peking has rejected such offers.

The United States has revised its travel bans to allow American physicians, medical scientists, and scholars to travel to Communist China. Peking has refused to cooperate.

And, earlier this year the Senate majority leader, Mr. MANSFIELD, proposed a direct confrontation across a peace table on the war in Vietman, to include delegates from Communist China. Peking's response was to brand his proposal a "peace-talks fraud."

Nor would any theory of U.S.-imposed isolation explain Red China's refusal to send a delegation to the 23d Congress of the Soviet Communist Party. No—Communist China's isolation from both Soviet Russia and the West is very obviously self-imposed, for ideological reasons, and there is no way short of surrender that we could change our policies to accomodate Communist China's ideology.

Fourth. Finally, today, I want to consider the argument that we must change our policy in order to avoid being defeated in the United Nations.

In the March 28 issue of the National Observer we read, for example, that—

> Most of the pressure on U.S. policy has been developing in the United Nations itself, which last fall voted 47–47, with 20 abstentions, on a proposal to give Peking the seat now occupied by the refugee Chinese government on Formosa. To prevent the expulsion of the Republic of China, a possibility in this year's meeting of the U.N. General Assembly, the United States may be forced to bargain.[14]

But I would point out—as our Ambassador to the United Nations, Arthur Goldberg, has himself recognized on at least one occasion,[15]—that Communist China would probably get less votes this year than it did in the last General Assembly vote on November 17, 1965—and it almost certainly would lose if the United States remains firmly opposed to its admission.

Let us not forget those diplomatic disasters for Red China that I mentioned earlier. Voting for Red Chinese admission to the United Nations in 1965 were the central African Republic—which has since broken diplomatic relations with Peking—Ghana—which has gone practically that far—Ceylon—which has since voted in a pro-Western government—Afghanistan—whose ardor for the Red Chinese has since cooled—and Algeria—where the pro-Peking President has been deposed.

In addition, Burundi and Dahomey did not vote in 1965, and both have since broken diplomatic relations with Peking. And Indonesia, should it reenter the United Nations, would certainly be cautious of any moves to increase Red Chinese respectability.

I see no reason why at least some of these nations cannot be persuaded to vote against Red China's admission the next time around. If we doubt our ability to win, perhaps we need more persuasive representation at that body.

Mr. Speaker, I have considered briefly four of the major arguments we have heard in recent months for a shift in our policy toward Red China. I have given my reasons for not accepting those arguments. At the same time that I see no persuasive argument for change, I repeat that I find very persuasive reasons for continuing our previous policy of firmness. As I mentioned earlier, that policy has been successful, and can continue to be successful in the future.

I would like to close with some wise testimony from Dr. Walter H. Judd, who served as a medical missionary in China before World War II, and later as a distinguished Congressman from Minnesota. Noting that the Communist movement is "in serious trouble today," he asked:

> Why change the policies that have contributed to its difficulties both abroad and at home, and thereby provided the Free World its first ray of hope in years?
>
> We must always keep the door open—

He concluded—

> to any genuine change on their part—as proved by deeds. We must keep the door resolutely closed to Communist threats, tricks, or promises not supported by performance.

EDUCATIONAL EXPENSES OF TEACHERS

Mr. KLUCZYNSKI. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. FRASER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. FRASER. Mr. Speaker, the 89th Congress has been called the "education Congress." The quality and scope of American education will be significantly improved because of several measures passed by this Congress—the Higher Education Act, the Elementary and Secondary Education Act, the cold war GI bill, the Library Services and Construction Act, and others.

But the educational gains which have resulted from actions by this Congress will be lessened if proposed income tax regulations denying teachers the right to deduct advanced study expenses are put into effect.

The most important item in determining the quality of education is the quality of our teachers. In order to improve their performance, teachers need to upgrade their own education in subject matter and in new techniques of teaching.

In past years the Internal Revenue Service has issued a variety of interpretations on the deductibility of teachers' educational expenses. Some teachers were allowed to deduct their expenses, others were not, but by and large the courts ruled in favor of deducting such expenses by teachers.

But this year the IRS proposed that expenses incurred by teachers obtaining advanced degrees will no longer be tax deductible. This policy will act counter to State and local governments which are encouraging teachers to obtain additional training.

I am opposed to the IRS proposal. In order to negate the IRS proposal, I am introducing legislation which will allow teachers to deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education.

Also, certain expenses for educational travel will be deductible.

The full text of the bill follows:

H.R. —

A bill to amend the Internal Revenue Code of 1954 to allow teachers to deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education and including certain travel

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 162 of the Internal Revenue Code of 1954 (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

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[14] "The Times Change, and US Prepares to End Its UN Fight Against Peking" The National Observer, March 28, 1966.

[15] "Goldberg Scores China's Rigidity," by Raymond Daniell, The New York Times, March 29, 1966.

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 as 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."

SEC. 2. 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."

SEC. 3. EFFECTIVE DATE.—The amendments male by this section shall apply to taxable years beginning after the date of the enactment of this Act.

WAR ON INFLATION

Mr. KLUCZYNSKI. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. FASCELL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. FASCELL. Mr. Speaker, the President's fiscal policy has been directed toward maintaining the country's economic growth at stable prices that we enjoyed uninterruptedly over the past 6 years. However, the spending required for national defense, and the great private demand for capital are producing such financial strains on the economy that the Nation is now faced with the problems of tight money, increasing interest rates, and rising prices.

To protect the public interest in continued prosperity the President last Thursday outlined to the Congress a fiscal program which calls for definite administrative and legislative procedures. First of all, the President stated his intention to cut all Federal expenditures to the fullest extent consistent with the well-being of the people. In that connection he asked the Congress to avoid voting expenditures which would increase the budget. He also recommended efforts to ease the inequitable burdens of high interest rates and tight money. He called on the Congress to suspend those special incentives for plant and equipment investment and commercial construction that currently contribute to overheating the economy, and he asked the Federal Reserve Board and commercial banks to cooperate in efforts to lower interest rates.

I strongly endorse these proposals for preserving the Nation's thriving economy. What we need to deal with the problem that exists today is positive fiscal policy. Efforts to curb inflation must be shifted from a restrictive monetary policy to additional selective fiscal restraints.

As chairman of the Legal and Monetary Affairs Subcommittee of the Committee on Government Operations, I have directed a study into the efforts made by the Federal monetary agencies to deal with the problems of inflation. While that study is still continuing, it has proved conclusively that reliance on monetary policy alone is insufficient to curb inflation, restrain the effects of credit expansion and prevent damaging effects on our country's economy.

The application of high interest rates, greater rediscount requirements and greater reserve requirements, while effective, have not done the job. There is great concern that the continuation of these overly strict requirements will be injurious. Therefore, the President's proposals to bring additional fiscal policy into the battle against inflation are a bold and strongly needed program.

I fully endorse the necessity for fiscal restraint. I have already voted this year for about $3 billion in cuts for the recommended budget. I strongly support the further reduction of expenditures as proposed by the President by 10 percent, or more if necessary.

Since it is now quite clear that a reduction in Government expenditures will not itself accomplish the entire task, I support his recommendation for the suspension of the investment tax credit and of accelerated depreciation until such time as they can be safely reimposed.

On last Thursday, in support of the President's proposal, I voted for legislation making clear the sense of the Congress that we are concerned with the continuation of high interest rates.

We have every reason to be concerned with inflation in a time of economic growth and prosperity, especially with the added burdens of the Vietnam conflict. I am sure, however, that the American people will prefer prompt action in this area of concern to preserve a strong, growing, and thriving economy than to be faced with the threat of recessions like those of the 1950's if we continue to rely solely on monetary policy.

FISCAL POLICY MUST BE USED FOR RESTRAINT AS WELL AS EXPANSION

Mr. KLUCZYNSKI. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. BINGHAM] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. BINGHAM. Mr. Speaker, the program the President has called upon the Congress to enact is a further example of the proper and active use by the administration of fiscal policy. This new program clearly illustrates the two-sided nature of fiscal policy in a modern economy such as ours. It can and should be used, on the one hand, to stimulate the economy when it is faltering. It can and should be used, on the other, to slow down the economy when inflation threatens.

From 1961 through 1965, the administration's fiscal policy had as its basic objective the stimulation of the economy from its condition of slow growth and underused resources in order to close the gap between the Nation's actual and capacity output. This called for either sharp increases in expenditures by the Federal Government or tax reductions to raise private expenditures. The latter course was chosen and some $20 billion of tax reductions were put into effect.

We all know the results—annual increases of 5½ percent in the real gross national product, greatly increased business profits and personal income, and an unemployment rate which has fallen from 7 percent to below 4 percent. In a word—unparalleled prosperity within a setting of relative price stability.

Now, however, the situation calls for the other side of fiscal policy—restraint in order to reduce inflationary pressures. The actions now requested by the President may not be as palatable as those we took when economic stimulation was in order. Nevertheless, consistent use of fiscal policy requires that we have the courage to adopt restraining measures when restraint is called for. I hope the Members of this House will go along with the President's proposals for temporary suspensions of the 7-percent investment tax credit and of the accelerated depreciation on buildings and structures. I hope, too, that the President's aim of cutting back on nonessential expenditures will be realized, particularly in the areas of highway construction, space activities, and unnecessary defense expenses.

We now face a test of the continued proper use of fiscal policy in this decade. I hope and trust we will pass that test with high marks.

BACKGROUND PAPER ON NATIONAL ECONOMY

Mr. KLUCZYNSKI. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. BINGHAM] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. BINGHAM. Mr. Speaker, in these days when we are all disturbed about trends in our economy which suggest danger, it is particularly useful to secure first rate analyses of the economic scene. The AFL-CIO Executive Council, at its most recent meeting held in August, issued such an analysis.

This statement predated President Johnson's message on this subject but it is, nonetheless, of great current value. I found particularly interesting the data showing that unit labor costs in manufacturing have actually dropped by 1½ percent since 1960, while wholesale prices of manufactured goods have increased by 4 percent.

For the benefit of my colleagues and other readers of the RECORD, I insert it herewith:

BACKGROUND PAPER ON NATIONAL ECONOMY

Most of the value of workers' wage gains, in the past year, has been washed out by rising living costs. And in the previous five years, improvements in the buying power of workers' wages had been at a slow pace.

The cost-of-living, as measured by the Consumer Price Index, increased 6.6 percent between 1960 and 1965—a yearly rate of 1.3 percent. The pace stepped up in the past year. Between June 1965 and June 1966, the cost-of-living rose 2½ percent.

This situation is far different from raging inflation—as occurred in 1946, when price controls were prematurely dropped and the cost-of-living soared 14 percent in one year. It is also far different from the record of other countries, where living costs have risen at a much faster rate, in recent years.

Nevertheless, the rise in the cost-of-living in the United States is eroding a large part of workers' gains in wages and fringe benefits. The effects and causes of this rise in the price level deserve careful examination.

WORKERS' BUYING POWER

Workers' wage gains have been modest in recent years, as the following figures reveal:

Average hourly earnings [1]

	Manufacturing	Contract construction	Wholesale trade	Mining
1965	$2.61	$3.69	$2.61	$2.92
1960	$2.26	$3.08	$2.24	$2.60
Average yearly rise (percent)	2.9	3.7	3.1	2.3
June 1966	$2.70	$3.82	$2.72	$3.06
June 1965	$2.61	$3.66	$2.59	$2.91
Percentage rise	3.4	4.4	5	5.2

[1] Includes the effect of overtime.

Source: U.S. Department of Labor.

Much of the buying power value of these gains in hourly earnings, however, were washed out by the rise of living costs—a yearly rise of 1.3 percent in 1960–1965 and a 2½ percent increase between June 1965 and June 1966. Actual improvements in buying power were only about one-third to one-half of the gains in cents-per-hour.

Yearly increases in buying power of average hourly earnings

[Percent]

	Manufacturing	Contract construction	Wholesale trade	Mining
1960 to 1965	1.6	2.4	1.8	1.0
June 1965 to June 1966	.9	1.9	2.5	2.7

Source: U.S. Department of Labor.

Even after accounting for improvements in non-payroll fringe benefits—such as pension and health plans—the gains in real compensation per hour, in the past 5½ years, were considerably less than 3 percent a year.

By adding one-half percent per year—a generous estimate of the additional real value of fringe benefit improvements—annual gains in the buying power of total compensation per hour were about 2.1 percent for factory workers and 2.9 percent for construction workers in 1960–1965 and 1.4 percent for factory workers and 2.4 percent for construction workers between June 1965 and June 1966.

These large groups of workers—and other similar groups, as well—did not receive a fair share of the country's rising prosperity.

The real volume of output per manhour, in the entire private economy, rose at an average yearly rate of 3.7 percent in 1960–1965, based on the Commerce Department's latest figures on national production. But real compensation per hour of all employees in the private economy—including executives and supervisors—increased only 2.7 percent per year.

This trend reveals one measure of the substantial degree to which wage and salary earners have been shortchanged in recent years—with the lion's share of the economy's forward advance going to profits, dividends and other types of property-income.

The slow rise of workers' buying power can be seen most clearly by examining the after-tax weekly take-home pay of wage and salary earners, after adjustment for rising living costs. Despite the increase in the number of hours worked per week in recent years—and the spread of overtime—gains in the buying power of take-home pay have been very slow, indeed. And, in the past year, there has been practically no improvement, at all, in the buying power of take-home pay of large groups of workers.

The buying power of weekly take-home pay [1] *(worker with 3 dependents)*

	Manufacturing	Contract construction	Mining
1965	$88.06	$111.48	$100.34
1960	77.70	96.17	90.13
Increase	10.36	15.31	10.21
Average yearly rise (percent)	+2.5	+3	+2.2
June 1966	$88.37	$112.80	$102.79
June 1965	88.09	112.09	100.50
Increase	.28	.71	2.29
Percentage rise	+0.3	+0.6	+2.3

[1] Weekly earnings, after taxes, in constant dollars of 1957–59 buying power.

Source: U.S. Department of Labor.

This record clearly indicates the slow progress of workers' buying power in a period of expanding economic activity. The vast majority of wage and salary earners have not shared fully or adequately in the benefits of the national economy's growth. Moreover, the slow advance of workers' buying power threatens to undermine the needed expansion of consumer markets, by falling substantially short of the economy's increasing ability to produce more goods and services, more efficiently.

COSTS AND PRICES

The price level has been rising, in recent years, despite the remarkable stability of unit labor costs (the costs of labor in each item produced). As President Johnson declared in his Economic Report of January 1966: "Labor costs—the most basic element in the structure of our costs—have barely moved, as gains in productivity have largely offset moderate increases in hourly labor costs."

In the entire private economy, unit labor costs increased merely about 3 percent in 1960–1965—an average yearly rise of approximately one-half of one percent a year. But the cost-of-living rose more than twice as much—6.6 percent in 1960–1965, or an average yearly hike of 1.3 percent.

This trend is continuing. In the year between June 1965 and June 1966, the cost-of-living jumped 2½ percent. But it is clear—even in the absence of official government information, at this point—that this rise of living costs is much more than twice the rise of unit labor costs in the entire private economy.

In the key manufacturing sector of the economy, unit labor costs actually declined 1.9 percent between 1960 and 1965, according to the Department of Commerce. But the level of wholesale prices of manufactured goods rose 1.7 percent—almost as much as the drop in unit labor costs.

During the early months of 1966, unit labor costs of manufactured goods increased slightly, as a result of increased employer contributions to social security. In the first-half of 1966, these unit labor costs were merely one-tenth of one percent greater than in the same period of 1965. But wholesale prices of manufactured goods rose 2.8 percent.

As a result of these trends, the spread between prices and unit labor costs has been growing. In recent months, the spread between unit labor costs in manufacturing industries and the wholesale prices of manufactured products has been greater than at any time since mid-1951, according to the Department of Commerce. And it has been growing in almost every recent month:

The growing spread between unit labor costs and wholesale prices of manufactured goods

	Unit labor cost, manufacturing industries (1957–59=100)	Wholesale prices, manufactured goods (1957–59=100)	Ratio of unit labor costs to prices of manufactured goods (1957–59=100)
1960	100.7	101.1	100.4
1961	100.4	100.7	100.3
1962	100.4	100.8	100.4
1963	99.7	100.6	100.9
1964	99.6	101.1	101.5
1965	98.8	102.8	104.0
1st half of 1965	99.0	102.2	103.2
1st half of 1966	99.1	105.1	106.1

Source: U.S. Department of Commerce.

Part of this large and growing spread between unit labor costs and prices is due to increased prices of raw materials, sharply rising interest rates and similar factors. But most of this spread reflects increasing profit margins on each item of goods that is sold.

In reporting on the growing spread between industrial prices and labor costs, the New York Times of July 25, 1966 states that

"the latest report implies some further widening of profit margins in manufacturing."

These widening profit margins—accompanied by an expanding volume of sales—explain the skyrocketing profits of recent years.

This is the key to understanding the rise of the price level—widening profit margins and skyrocketing profits.

WAGES, SALARIES, AND PROFITS

With a large and growing spread between costs and prices and with real wages lagging behind the nation's rapidly increasing productivity, it is no surprise that profits have been increasing at a much faster pace than wages and salaries. The record reveals that profits have moved far out of line with every other major type of income.

Between 1960 and 1965, profits soared 52 percent before taxes and 67 percent after taxes and dividend payments to stockholders increased 43 percent.

In sharp contrast, the weekly after-tax take-home pay of factory workers increased only 21 percent (merely 13 percent after accounting for the rise of living costs). Total wages, salaries and fringe benefits of all employees in the economy increased only 33 percent—reflecting increased employment, as well as advances in wages and salaries. And total after-tax personal income in the entire economy increased merely 34 percent.

The lack of economic balance, 1960–65

	Percent up
Corporate profits after taxes	66.7
Corporate profits before taxes	52.3
Dividend payments to stockholders	43.3
Factory workers' weekly take-home pay	20.8
Total wages, salaries, fringe benefits of all employees in the economy	33.3
Total after-tax personal income in the economy	34.0

Source: U.S. Departments of Commerce and Labor.

This unbalanced condition continues in 1966. Between the first-half of 1965 and the same period of 1966, profits rose an additional 11 percent, both before and after taxes, and dividend payments to stockholders increased another 13½ percent, according to preliminary estimates of the U.S. Department of Commerce.

But the after-tax weekly take-home pay of factory workers increased only 2.7 percent in that period (with almost no improvement, at all, in buying power). Total wages, salaries and fringe benefits of all employees increased merely 9½ percent. And total after-tax income in the entire economy rose only 9 percent.

As a result of these sharply contrasting trends, the wage and salary earners' share of the value of national production has been going down, while the business share has been increasing. These are not the lopsided trends of one year, alone, but they have continued one year after another.

Inequities in income-distribution have been developing and widening. And these social inequities are creating a growing lack of balance between the economy's increasing ability to produce and the lagging buying power of workers and consumers, generally.

THE CAPITAL GOODS SUPER-BOOM

Skyrocketing profits—aided by the 7 percent tax-credit subsidy for business investment in new equipment and stepped-up depreciation write-offs—are providing the fuel for a one-sector capital goods super-boom.

The government expects business investment in new plants and machines to rise 17 percent this year—about twice as fast as the gross national product for the third successive year. On the basis of government estimates, business investment in the newest, automated plants and equipment, in 1966 will be 55% greater than in 1963, when the super-boom began.

The large-scale installations of these plants and machines are expanding industry's capacity to produce at a much faster pace than the economy's sustainable demand for goods and services, under ordinary circumstances. If permitted to run its course, this capital goods super-boom will collapse and generate an economic decline.

In addition, sharply increasing capital goods investment is creating difficulties, at present. It is siphoning money out of the home-building, home-buying, consumer and small business markets. And, in combination with rising military expenditures, it is generating a price-boosting psychology through most parts of the economy.

However, this boom of profits and business investment should not be confused with a general, economy-wide condition of inflationary shortages. Despite increased military spending, there are no widespread shortages of goods, productive capacity and manpower.

There is no excessive demand for goods in short supply. There is no consumer scare-buying or hoarding.

On the contrary, auto sales have declined. Home-building has dropped sharply. The buying power of most workers' take-home pay has hardly increased in the past year.

Unemployment, at 3.9% of the labor force, is still far from full employment. With jobless rates of over 12% for teenagers, nearly 8% for Negroes and 4.6% for blue-collar workers, there is yet a long road ahead before America achieves job opportunities, at decent wages, for all persons who are willing and able to work.

Sales of consumer goods, generally, are increasing, but not at an abnormally fast pace. In June, retail sales were up 6% from a year ago, but from the April-June quarter of 1965 to the same period of this year, business investment in new plants and machines was up 18%.

The only sector of the private economy that is rising sharply is capital goods investment.

If there is inflation in the American economy in 1966, it can be found in the lopsided profits and business investment booms.

MONETARY POLICY

In a dangerously misguided attempt to curb the capital goods boom, the Federal Reserve and the commercial banks have pushed up interest rates to the highest levels since the 1920s.

The interest rate blast-off started last December, when the Federal Reserve Board increased the rate, which banks pay to borrow funds from the Federal Reserve system, and lifted the permissible interest rate that commercial banks can pay on certificates of deposit from 4½% to 5½%. The effect of these actions was to boost interest rates and to shift large savings into the commercial banks, while halting the expansion of deposits in savings banks and savings and loan associations, which make most home-mortgage and improvement loans.

There is no evidence that these high and rising interest rates have curbed the capital goods boom. But they are pushing residential construction into a depression. They are boosting the cost of living. And they are making it both more expensive and more difficult for states and local governments to borrow money to expand needed public facilities.

The prime interest rate for the choicest and richest borrowers is now 6%. This is a 33⅓% rise in the basic price of money since last December—the sharpest price increase, by far, in a period of rising prices.

With a prime rate of 6%, effective interest rates on loans to consumers, small businessmen and farmers are frequently 10% and more. The effective rate on FHA-insured mortgages of 6½% is rising and available mortgage funds are drying up. Building permits for new residential construction have dropped to the lowest level in seven years, at a time when the rebuilding of America's cities is urgently needed.

A one-point rise from 5½% to 6½% on a 25-year, $20,000 mortgage—the average conventional mortgage—adds more than $3,600 in interest costs over those 25 years. For the vast majority of wage and salary earners, $3,600 represents well over one-half year's earnings. Moreover, at a 6½% rate on a $20,000 mortgage, the borrower pays out $40,500 over 25 years—the interest payments of $20,500 are greater than the loan, itself.

The sharply rising cost of money is translated into price boosts all along the line, from the farmer and industrial producer to the retailer and consumer. In addition, the interest cost of installment credit for autos, refrigerators, television sets and other consumer goods is high and rising.

The American people pay the price for these interest rates—through increased living costs and increased interest payments on the borrowed funds of the federal, state, and local governments.

The beneficiaries of these rates are the commercial banks and those who are rich enough to buy large blocks of corporate and government securities and bank certificates of deposit.

This policy reinforces and aggravates the wrong-way trend of income distribution, with an increasing share of the economy's forward advance going to business, the banks and the rich. Moreover, it is generating turmoil and frenzied speculation in the nation's money markets that threaten to undermine confidence in the nation's financial institutions.

RESTORED ECONOMIC BALANCE IS NEEDED

The cause of the rising cost-of-living lies essentially in skyrocketing profits and the related super-boom of capital goods investment.

The effects can be seen in the lag of workers' buying power and the shift of income from wages and salaries to profits, dividends and interest.

These lopsided and inequitable trends are creating difficulties, at present. They can generate serious troubles in the future.

America needs a restored balance between wages, prices, profits and business investment, as well as considerably lower interest rates.

Increase in real wages are needed to provide workers with an equitable and adequate share of the benefits of the economy's progress. Justice and equity require such increases in the buying power of wages and salaries. Moreover, such rises in real earnings are essential for the sustained growth of mass consumer markets, which are the base of the nation's economy.

The major machinery for achieving such increases in real earnings, in a free society, is collective bargaining between unions and employers. Collective bargaining must be permitted to operate, without shackles—within the context of the economic realities of the thousands of different markets, industries and occupations, as well as the national economy. Moreover, in a period of rising prices, collective bargaining is a stabilizing force.

Extended coverage of the Fair Labor Standards Act to millions of low-wage workers and a rise in the federal minimum wage are needed to lift the real wages of the working poor.

High and rising business profits, as well as the economy's rapidly advancing productivity, make it possible for business to grant such improvements in the buying power of wages and salaries, without raising the price level. Many companies can afford to grant substantial wage increases and simultaneously reduce prices.

An effective curb on the capital goods super-boom is required—through repeal of

the 7% tax credit subsidy for business investment in new equipment and/or an increase in corporate taxes. Curtailment of this one-sector boom is essential to help restore balance to the economy and to make more funds available for housing, the rebuilding of America's cities and expanded public facilities.

Continued expansion of the economy is essential to create enough new job opportunities to achieve and maintain full employment of a rapidly growing labor force in a period of spreading automation. Such sustained pace of economic growth must be based on a sound foundation of increasing real wages and salaries and expanding consumer markets. It must be based, too, on meeting the needs of a rapidly growing and increasingly urban population for public facilities and services—with sufficient federal funds for the planned expansion of efforts to meet these needs.

A roll-back of interest rates to more reasonable levels in required. Congress should establish an interest rate ceiling of 4½% on time deposits of all types, including certificates of deposit. Congress should also demand the Federal Reserve to exercise its authority—through the purchase of government securities and regulation of reserve requirements—to stabilize the money market and maintain reasonable interest rates. In addition, Congress should adopt a measure to provide a gradual and orderly end to the issuance of certificates of deposit by the banks and review the effect on the money market of the federal government's issuance of participation certificates. The government should also develop effective coordination and cooperation among the various federal agencies, including the Federal Reserve system, that are in the money and credit area.

If the President determines that there is a national emergency to require extraordinary stabilization measures—with even-handed restraints on all costs, prices, profits, dividends, corporate executive compensation (including bonuses and stock options) as well as employees' wages and salaries—he will have the support of the AFL–CIO. Such measures should apply equitably to all groups in the economy and to all components of the cost-of-living, as well as the cost of production.

THE ADMINISTRATION'S PROPOSALS TO FIGHT INFLATION AND LOWER INTEREST RATES

Mr. KLUCZYNSKI. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. FULTON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. FULTON of Tennessee. Mr. Speaker, the President has asked the Congress to take action to insure the continuation of our prosperity. The proposal he has made has my support. The program can do a job that needs to be done.

It can help to stem the tide of inflation.

It can check the excessive growth of business investment.

It can help to reinvigorate the homebuilding industry.

It can relieve the strain on our financial institutions.

It can reverse the upward trend of interest rates.

It is generally agreed that spending on plant and equipment has grown too rapidly. It has grown too fast for the industries that supply machinery and equipment. It has grown too fast for the construction industry. The result is what one would expect—soaring costs.

The plant and equipment boom has grown faster than the supply of savings. In their rush to get funds for expansion—corporations issued 86 percent more bonds in the first half of this year than in the first half of 1965. The amount of bank loans outstanding to business grew at an annual rate of 22 percent in the first 7 months of this year.

Our financial institutions have been engaged in the fierce struggle for funds, bidding against one another for consumer savings and for the liquid funds of business. Excessive competition for funds can weaken the earnings position of our thrift institutions, and expose them to large withdrawals as funds shift from one institution to another.

Fortunately, our financial system has great strength. And our private institutions are backed by Government insurance and the resources of the Federal Reserve System and the Home Loan Bank. But even the strongest system suffers when placed under too great pressure. It is time that we brought this testing period for our financial system to an end.

I feel, however, the Congress should not make the suspension of the 7-percent investment tax credit and the accelerated depreciation allowance retroactive to September 1 as recommended. This would not be fair to firms which have made commitments between that date and this. Therefore, I will ask for an amendment making the effective date September 9, 1966.

Also, I feel that small business firms doing less than $1 million volume annually, should be exempt from the suspensions and will work for an amendment to this effect.

And it is time to bring a halt to the rise in interest rates. That rise has been going on for a year. We have reached 6-percent rates for high-grade corporate bonds. Issues guaranteed by the Federal Government yield over 6 percent in some cases. Home buyers have to pay 6 percent, 6.5 percent, even 7 percent, and often cannot get money at any price. And there has been no sign of letup in the rise of rates.

We must do something to stop this climb. I have nothing against people who receive interest. They are not all rich. Lots of them are old people, and I am glad to see them get more from their savings. But high interest rates are a tax on all those who have to borrow to carry on their business. We need to restrict investment, but we are making those who have to borrow carry too much of the burden.

The Federal Reserve Board has been doing its job as it sees it. However, it has become evident that monetary policies alone cannot do the job; fiscal restraint is needed. That is what the administration will provide.

The present program can do an effective job of checking the investment boom. And it can do it without endangering our financial institutions. It will help to reverse the trend of interest rates and get homebuilding started again.

HEARST NEWSPAPER AMERICANISM TROPHY WON THIS YEAR BY THE AMERICAN LEGION DEPARTMENT OF TENNESSEE

Mr. KLUCZYNSKI. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. FULTON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. FULTON of Tennessee. Mr. Speaker, since 1938 the late newspaper publisher, William Randolph Hearst, through the Hearst Newspaper Americanism Trophy, has honored and recognized an American Legion organization for its efforts to stimulate Legionnaires and all citizens to respect and maintain the basic precepts of freedom upon which our Nation was founded.

I am proud that this year's Hearst Newspaper Americanism Trophy was won by the American Legion Department of Tennessee. I am also proud that one of my very good friends, retiring Tennessee Department Commander Ollie T. Frith, of Nashville, Tenn., who worked long and diligently on behalf of Americanism by the department during the past year, received this award from the Hearst Publications, Inc., New York City.

During the past year, the American Legion Department of Tennessee has organized and sponsored a radio and TV program entitled "Your American Legion Speaks." The program emphasized the proper respect and display of the flag of the United States.

Another statewide program, "Show Your Colors," resulted in the distribution of over 250,000 flag pin sets, and brought requests from almost every civic and fraternal group within the State for assistance in promoting activities directed at patriotic goals.

The Tennessee Department of the American Legion had 4,000 Tennessee youngsters participating in its oratorical contest; it sponsored 39 Boy Scout troops; fielded 53 American Legion baseball teams that involved 586 young adults; and from June 4 to June 10, carried out at Tennessee Technological University at Cookeville one of its most successful programs for the American Legion Boys' State governmental study symposium with 501 young Tennesseans attending the 7-day session.

An editorial praising the American Legion Department of Tennessee was published by the Nashville Banner on August 31, 1966. This editorial merits the widest dissemination.

A SCHOOL FOR DEAF HIGH SCHOOL STUDENTS

Mr. KLUCZYNSKI. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland [Mr. SICKLES] may

extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. SICKLES. Mr. Speaker, those of us on the Ad Hoc Subcommittee on the Handicapped of the House Committee on Education and Labor have over the past year had an extraordinary education in the wide range of problems facing the handicapped.

One problem that has received particular attention has been the extent of educational facilities available for deaf children. And we found that in most respects there are not enough. The younger a deaf child is, the better his chances are for good schooling; as he grows older, the facilities available to him become increasingly scarce. There are a number of public and private schools equipped to give deaf children an elementary-level education. There are a very few schools equipped to educate the deaf student at the secondary level. And there is currently only one institution for postsecondary education for the deaf in the world—Gallaudet College here in Washington. This institution, however, is due to receive some help shortly when the National Technical Institute for the Deaf, authorized by act of this Congress, is established.

Aware of the great shortage in education for the deaf in secondary education, the chairman of our subcommittee, the gentleman from New York [Mr. CAREY] recently introduced H.R. 17190 to establish a model high school for the deaf to be operated by Gallaudet College. Today I am happy to demonstrate my support for this legislation by introducing an identical bill.

In brief, the bill authorizes the necessary appropriations for the establishment and operation of a model secondary school for the deaf to serve the District of Columbia and nearby States. The school would be designed to offer a comprehensive high school curriculum including college preparatory course work and vocational programs.

The new school would be particularly valuable to Maryland, as one of the States nearby to the District of Columbia. Although Maryland already has a very excellent school for the deaf in Frederick under the able direction of Dr. Lloyd Ambrosen, it cannot support a full high school curriculum. There are other schools for the deaf in Maryland—Baltimore City, Riderwood, Silver Spring, Glen Burnie—with a total enrollment of over 500 students, but they offer almost exclusively a primary education. The principal reason that none of these schools can provide a complete high school curriculum is that they could not draw the 300 to 500 students necessary for a strong secondary education program. By locating the proposed school on the grounds of Gallaudet and drawing from all States in the region, the necessary number of students can be easily obtained to support the kind of curriculum that is so badly needed.

Thus, Mr. Speaker, in view of the very serious need for a national high school for the deaf, I hope that the House will choose to act swiftly on this legislation.

PRESIDENT HAS TAKEN A WISE AND TIMELY ACTION IN NATION'S ECONOMY

Mr. KLUCZYNSKI. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. MCGRATH] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MCGRATH. Mr. Speaker, I believe the President has taken a wise and timely action.

I think it is wise because for some time warning signals were becoming visible in the economy. The demands for capital have driven interest rates higher and higher.

In many industries the need for skilled workers is acute.

Some commodities are meeting rising demand with rising prices.

I believe it is timely because these restraints proposed by the President can be effective and more easily borne now, whereas a greater threat of inflation later would demand more drastic measures not so easy to bear.

Much of the present boom has been encouraged by incentives—particularly tax incentives. These incentives—the investment credit and accelerated tax writeoffs for investment in buildings—were designed to stimulate a then lagging economy.

By a temporary suspension of these incentives now we can ease demand. By temporarily suspending these incentives they will be available again when the economy has had time to absorb the existing backlog of orders for equipment and the pace of commercial construction has moved to a more reasonable level.

The high rate of activity in the industries more affected by the President's proposals will, I think, assure that these measures will not increase our rate of unemployment.

It is now up to the Congress to act in the same manner as the President with timeliness and wisdom so that we can continue to enjoy our high prosperity. As the President has asked, the Congress must focus on those sectors of the economy that need urgent attention.

I believe he has pointed the way for us.

I believe the Congress will act responsibly in enacting not only the restraints on tax incentives, but in helping to curb appropriations to the levels the President has recommended.

APPLAUSE FOR PRESIDENT'S STATEMENT

Mr. KLUCZYNSKI. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. WOLFF] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. WOLFF. Mr. Speaker, I applaud the forthright statement of the President yesterday setting forth steps necessary "to assure the continuing health and strength of the economy."

It is right in calling for action by all Federal agencies designed to curtail unnecessary expenditures. I myself have voted to cut more than $8 billion from Federal spending. When we are fighting the enemies of democracy abroad and the forces of economic distress at home, each step we take must be informed, efficient, effective and absolutely necessary. Waste and excess will contribute to the fires of inflation and sap the energy of our Nation. They cannot be tolerated.

I applaud the statement of the President for yet another reason. It is forceful—as it seeks immediate and helpful measures; yet it is temperate—as it relies on our citizenry to exercise voluntary restraint.

What the statement asks from business are measures that will increase the health of industry in the long run.

And what the President asks from labor will increase the welfare of our citizens now and in the future.

Inflation hurts the men and women of my constituency. It cuts an unfair swath through their incomes withdrawing from many of them the welcome benefits of prosperity. Poverty becomes more grinding and more brutal as higher prices steals from the poor the little that they have. Indeed, all my constituents, in daily trips to the supermarket, in their desire to buy new homes and new clothes know that a growing part of the financial gains of the last 5 years can disappear through higher prices. Since coming to Washington I have personally conducted a continuing inquiry into the rising price of food to consumers, particularly bread and milk prices, and have studied the impact of trading stamps on the economy.

I am not talking about the lofty discourse of the economists and the scholar. Inflation is not any abstract lesson in the schoolroom. It talks the harsh language of the marketplace. The Consumer Price Index will probably be 3.5 percent higher this year than it was last year, and the Wholesale Price Index has moved up for the first time in years.

As a Member of Congress, I feel especially hopeful that there will be a halt to the sad weakening of the economy that inflation could bring. In the last sessions the Congress has brought the Great Society closer to realization through such measures as the Elementary and Secondary School Act, medicare, and the Economic Opportunity Act. Now we are working on historic changes in the minimum wage structure.

Yet these vast achievements of the past several years can be erased, not through the force of foreign enemies, not through the conspiracy of internal foes, but

through the relentless effect of inflation on our lives.

For an increase in the minimum wage can be a mockery if it is immediately devoured by higher costs for the worker.

Improved medical care for all our people will be an illusion if the cost of treatment and of medication moves increasingly upward.

And just as the Nation has decided to make impressive improvements in the quality of education for its children, our people at the same time must have the real income necessary to provide that education for their children.

I think I speak on behalf of all my constituents, of industry and labor alike, of the poor, and the rich, and especially on behalf of those on fixed incomes when I concur in the thoughts that the President yesterday expressed and urge this Congress to take the actions requested.

THE HONORABLE CARL VINSON RECEIVES 1966 SYLVANUS THAYER AWARD, PRESENTED BY ASSOCIATION OF GRADUATES, U.S. MILITARY ACADEMY

Mr. KLUCZYNSKI. Mr. Speaker, I ask unanimous consent that the gentleman from South Carolina [Mr. RIVERS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. RIVERS of South Carolina. Mr. Speaker, on Saturday, September 10, the Association of Graduates, U.S. Military Academy, conferred upon our former beloved colleague, the Honorable Carl Vinson, of Georgia, its highest honor, the Sylvanus Thayer Award.

I know that every Member of the Congress will agree with me that there is no living American more worthy of this distinction. The citation accompanying the award stated:

ASSOCIATION OF GRADUATES, U.S. MILITARY ACADEMY, WEST POINT, N.Y., 1966 SYLVANUS THAYER AWARD, CITATION, CARL VINSON

Carl Vinson has served for more than 50 years in the House of Representatives where he developed in the service of his country, an unparalleled understanding of the role of the military in national affairs. As "father of the two-ocean Navy," elder statesman of aviation, and staunch supporter of the Army in its efforts to achieve and maintain an efficient, flexible force fully responsive to the nation's needs, he has rendered outstanding service to the cause of national defense.

Mr. Vinson took his first oath as a Congressman on 3 November 1914, in the 63rd Congress. He was re-elected to each succeeding Congress thereafter, through the 88th, a record of continued service unequalled in our history. He was a member and then Chairman of the House Naval Affairs Committee for 33 years. With the exception of the brief periods when he was the ranking minority member, he served for 14 years as Chairman of the Armed Services Committee into which the Naval Affairs Committee had been merged. With profound concern for the national security and with a firm understanding of the relationship of military strength to that security, he has introduced and guided through the Congress, legislation which has progressively increased the strength and readiness of all major components of the Armed Forces.

Through his long and dedicated service to his country, Carl Vinson has greatly enhanced its honor and its strength. Accordingly, the 1966 Sylvanus Thayer Medal is hereby awarded by the Association of Graduates of the United States Military Academy to Carl Vinson.

C. V. R. SCHUYLER,
General, U.S. Army (Retired),
President.

It was my great privilege to be in attendance at West Point last Saturday when the incomparable Carl Vinson accepted the Sylvanus Thayer Award, and to hear him speak to the Corps of Cadets in his own inimitable fashion. Mr. Vinson spoke from his heart, based upon 50 years of experience in the Congress of the United States. It was an inspiring address—one that will be recorded in the annals of the U.S. Military Academy so future generations may read and reread the words of wisdom and the sage advice and counsel of this truly great American.

Mr. Vinson's address follows:

General Bennett, General Schuyler, Chairman RIVERS, Secretary Resor, General Wheeler, Distinguished Alumni of West Point, Members of the Faculty and the Cadet Corps of the Military Academy, Distinguished Guests, Ladies and Gentlemen, with all my heart I thank you for the honor conferred upon me today.

I am, first of all, humbled by the eminence of those who before me have received the Sylvanus Thayer Award.

To me it seems incredible that I should join the ranks of men so illustrious in the history of our nation.

It gives me a feeling of pride and of immense satisfaction. Yet, I must confess also to a feeling that my predecessors measured up to this recognition far more than I.

But my feelings run far deeper than this.

This revered place—this beloved institution, so close to the heart of every American—has very special meanings for me.

I am almost exactly half the age of this institution.

I served in the United States Congress for almost a third of the time that there has been a United States Military Academy.

For more than 40 years—one-fourth the life of this institution—I was directly concerned in the Congress with the nation's security, more especially with the strength and readiness of our military establishment.

And over these decades of dealing with the power and the safety of the United States, I came to know thousands of your graduates, ranking from the single gold bar to five stars.

Testimony I have taken for four decades from countless of your most distinguished alumni.

I have dealt with, and helped to enact, scores of laws relating to the many problems of administering this Academy.

Year by year for a half-century, I have become more and more steeped in the history of our armed forces, and from this I have come to appreciate the critical role of your graduates in preserving and building this nation.

But—more, even, than any of these things—I have, over the years, become increasingly conscious of the truth, that it is character that means the most in human affairs. And, I have learned that, above all else, the United States Military Academy symbolizes Honor, Duty, and Country.

Perhaps, then, considering these things, you can sense why this event today means so much to me and can share my feelings in some measure.

I am aware that Major Thayer's system, which he evolved during his 16 years of superintendency, gave this institution its direction and standards. I know he is rightly immortalized as "Father of the Military Academy."

I realize that he implanted here the rule of absolute honesty and complete integrity; that here he established a curriculum as broad as was consistent with the primary demands of professional training; that it was he who induced every cadet to exercise his faculties to the utmost, to the end that both mind and character would reach for the skies.

I have seen first-hand, over my own years, that these firm foundations laid a century and a half ago by Sylvanus Thayer have continued here to this very moment.

Back in 1914, when I entered the Congress and World War I had just started in Europe, I became concerned about our state of preparedness. That concern has remained with me for more than half a century.

As a Member and later Chairman for sixteen years of what was then the Naval Affairs Committee, I concentrated on the Navy and the Marine Corps. But, at the same time, I was aware then, and even more so in later years, of the need for a vigorous Army capable of meeting our defense requirements.

It was a small Army at that time, and only a handful could foresee that in a few years it would become the mightiest force ever gathered together in the world.

Looking back on those years, I have to admit that Congress was not entirely free of guilt when it came time to earmark funds for our armed forces. The combined military appropriations for 1925, 1930, and 1935, for example, amounted to $1,132,000,000—a significant fact when we consider that the Army budget alone for this fiscal year is currently $17,000,000,000 and expected to mount even higher.

In the years leading up to World War II, those of us in the Congress who were concerned about our defense had a lot of talking to do to convince some of our fellow members of the nation's military needs. And while we were busy trying to convert our colleagues (and frequently the Executive Branch of the Government, as well) here at West Point you were busy training our present Army leaders.

Without the training your predecessors received here, without their devotion to duty and their faith in the urgency of their profession, our fantastic expansion and final victory in World War II would not have been possible.

When the Committee on Armed Services was formed in 1947, I became even more familiar with the Army and the Army Air Corps, and shortly thereafter the Air Force, and finally the Air Force Academy.

Our defense structure, by 1947, had undergone considerable change. Nuclear weapons posed grave threats—not only to our security, but to our survival.

I soon realized that the answer to the problems that confronted us, from a defense viewpoint, lay in the creation and maintenance of a stable, balanced force structure, responsive to any type of military challenge that we might meet.

I did not believe then—nor do I believe now—that a nuclear exchange was likely, if we were prepared to meet every type of threat.

I believed then—as I do now—that this nation must constantly maintain a strong, modern military structure—capable of expansion, but always large enough to meet immediate challenges.

I was always concerned when our active military strength fell below 2,500,000 men,

and the Army had less than 1,000,000 men on active duty.

But back in 1947, in addition to the problem of the new and awesome dimension of atomic warfare, the Army and Navy also faced the problem of unification.

We had three services, and there were many who wanted only one service, one chief of staff, and one philosophy of warfare. I opposed this concept then—just as I oppose it now—for I have always felt that the separate services—each an expert in its own missions—are indispensable to our security.

But I did recognize the virtue of one organization overseeing the entire functioning of the separate services.

Thus, the first and most important step that had to be taken to bring about this type of unification was to combine the Military and Naval Affairs Committees of the Congress to form the Armed Services Committees.

Without bringing together into one committee in each house the experienced military and naval congressional personnel we had in the Congress at that time, many of the legislative achievements that are now the law of the land would not have been possible.

I look back now with some pride and with a great deal of satisfaction upon the accomplishments of the House Committee on Armed Services during the fourteen years I served as Chairman. Many of the laws we wrote not only guided the officers who lead the Armed Forces today, but will guide you as you lead the Army of tomorrow.

But I did not come here today to reminisce.

I came, instead, with a heart full of gratitude, to indulge myself, for a few moments, in some admonitions to you men of the Cadet Corps, based upon my half-century of association with the finest men I have ever known—officers and men of the Army of the United States.

When you receive your commission and leave this hallowed ground, you will go forth to face a constantly changing world.

It has been a century of strife and upheaval and they continue today.

You have the great advantage of knowledge and youth.

You also have the great advantage of knowing that you will serve under capable, outstanding officers.

You will have the advantage of serving in a modern Army—an Army with solid tradition, outstanding spirit, and the finest military hardware available.

You will serve in an Army made up of highly educated men and women. You will find a much higher degree of intelligence in the Army today than any period in the history of the nation.

I need not tell you that when you wear the uniform of a cadet of the United States Military Academy, and later the uniform of an officer in the Army of the United States, that you are wearing a uniform that should fill you with pride—pride in the knowledge that you are acquiring skills that will help to preserve the future of our nation; pride in the fact that you are preparing to bear the torch of liberty to light the way for all freedom-loving people everywhere.

It is the fervent hope of all of us that you will never have to apply your knowledge in the hard test of combat. But bear this in mind, the greatest satisfaction that can come to any citizen of our land is to know that he has made a contribution to his nation—that he has helped to preserve and protect our way of life—a way of life unequaled in the history of civilization.

I know of nothing that can give a man a greater feeling of pride than to know that he has done his job well, particularly when he can see the results around him. For you, these results will be the knowledge that our people live in freedom, enjoying the benefits of a form of government that has attained the highest living standard in the world.

As you proceed with your studies here at the Academy, look forward constantly. Don't be content with standing still, because physically it is impossible to stand still. The world is in constant motion and therefore you either move forward or you fall backwards.

When I was told that I was to be the recipient of this great honor, my mind recalled some of the graduates of this academy—men of vision—men who looked forward. I was reminded of Cicero's famous words, "The harvest of old age is the recollection and abundance of blessings previously secured." Among these blessings are my friendships with such men as General Pershing, General Eisenhower, General Bradley, General Gruenther, General MacArthur, and a multitude of others.

Most of the great men of this nation are humble men. And the true test of any man is—

To be able to combine humility with pride; to be wisely aggressive without being dogmatic; to be firm without being stubborn; to be capable of making decisions, without being rash; to accept criticism without resenting it; to be compassionate without being weak; to inspire others, and, at the same time, be inspired by others; to be loyal not only to those whom he serves, but to those who serve under him.

And then there will be the supreme test—the test of leadership. For when all is said and done, you are here to become Army officers—and leaders of men.

No academic course can teach you leadership, but knowledge is the basic ingredient. You can acquire the instincts of leadership by emulation. But first you must have the desire to be a leader.

You must be willing and anxious to accept responsibility.

You must do your level best in every assignment, including those which may appear to you to seem barren of challenge.

Make everything you do in your Army career important—regardless of your own appraisal of the situation.

You have to not only understand an order and know how to carry it out, you must also have the ability to give an order and make sure that it is followed through.

Always think in terms of the whole Army—not just one branch. Remember—except for the one day each year, and that is when you play Navy in your annual football game—you are preparing to become part of a four-service team.

At the same time, never lose pride in your own service—and maintain the integrity of your own military department. Be proud of your heritage, proud of your leaders, proud of this the greatest of all nations on earth, and then be moderately proud of yourself.

As you know, we are currently engaged in a war, which, on some other campuses around the country, has produced considerable friction.

I cannot tell you, nor can anyone tell you, what the future holds in Viet Nam, or any other part of the world. But I can tell you that this nation confronts a determined enemy in Viet Nam. I can also tell you that Viet Nam, and a military victory there is vital to our own security and the preservation of liberty and freedom in other parts of the world.

In the performance of our servicemen in that far-away land, I have an enormous pride. Partly this is because of my years of identification with the armed forces; but far more it is because of their heroism, their professional skill, their steadfastness in the supreme challenges of the battlefield.

I for one strongly favor what President Johnson has sought to do and has done there. Particularly I commend the prudence and statecraft he has employed to insure that this crisis does not escalate endlessly, and ultimately engulf all mankind in devastation too horrible to contemplate.

I know that communism is not going to just fade away. I know that communism is going to be a challenge to our way of life for many years to come.

If I have ever been convinced of anything in my life, I am convinced that democracy, and the freedom and dignity of man which go hand-in-hand with it, will out-wear, outlast, and out-live any philosophy or catchphrase that ever emerges from the Kremlin.

We must maintain our position as the leader of the free world.

This will involve sacrifice—the sacrifice of lives, just as we are sacrificing lives today in Viet Nam; the sacrifice of time; the sacrifice of material wealth; and the sacrifice of long family separation.

But neither you young men, nor our citizens, are afraid of sacrifice. We will do whatever must be done. For when all is said and done, the tomorrow of this nation is being entrusted to you—to you, the Army of the future, guardians of the land of the free, imbued with the spirit of Sylvanus Thayer.

I thank you.

STATEMENT BY AFL-CIO EXECUTIVE COUNCIL ON THE NATIONAL ECONOMY

Mr. KLUCZYNSKI. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MULTER. Mr. Speaker, every Member of this Congress and the administration is vitally concerned with the inflationary trend presently evident in the economy. Labor is also concerned.

The views of the AFL-CIO executive council on this matter will be of interest and importance in considering what moves can be taken to combat inflation. The executive council's recommendations should be given very serious consideration and I commend to the attention of our colleagues the statement issued at their meeting in Chicago on August 23, 1966:

STATEMENT BY THE AFL-CIO EXECUTIVE COUNCIL ON THE NATIONAL ECONOMY, CHICAGO, ILL., AUGUST 23, 1966

Inflation in America is clearly and directly profit inflation.

Profits have skyrocketed—moving up, far out of line with wages and salaries.

The result has been increased living costs that have washed out much of the value of workers' wage gains. In the past year, the buying power of most workers' take-home pay has hardly advanced, at all.

Wage and salary earners have not received a fair and adequate share of the benefits of the economy's forward advance.

In the key manufacturing sector, unit labor costs actually declined 1.9 percent between 1960 and 1965. But the companies increased the wholesale price level of manufactured goods by 1.7 percent—almost as much as the decline in unit labor costs. In the first half of 1966, the unit labor costs of manufactured goods were only one-tenth of one percent higher than in the same period of 1965, but the wholesale prices of industrial products jumped 2.8 percent.

The spread between unit labor costs and industrial prices has been growing. It is

now greater than at any time since mid-1951. Most of this spread reflects widening profit margins. And with the rising volume of sales, profits have soared.

The inequity and injustice of these trends is crystal clear to all who wish to know the facts. Between 1960 and 1965:

Corporate profits soared 52 percent before taxes and 67 percent after payment of taxes.

Dividend payments to stockholders rose 43 percent.

Weekly take-home pay of factory workers increased only 21 percent, and in terms of buying power, merely 13 percent.

Total wages, salary and fringe benefits of all employees in the entire economy increased only 33 percent—reflecting increased employment, as well as gains in wages and salaries. This trend continues in 1966—with wages and salaries lagging behind the sharp rise of profits and dividends.

The continuing shift in income distribution is creating a serious lack of balance between the economy's rapidly rising ability to increase production more efficiently, and sustainable advances in the demand for goods and services.

Soaring profits—aided by the 7 percent tax-credit subsidy for business investment and rapid depreciation write-offs—are fueling the fires of a capital goods super-boom.

The new installations are increasing industry's productive capacity much faster than the demand for goods and services can be expected to rise, on a sustained basis. As a result, there is a growing danger of excess capacity, eventual collapse of the investment boom and a general economic decline. Moreover, in combination with rising military expenditures the capital goods boom is creating a price-boosting psychology among businessmen throughout most parts of the economy.

This one-sector boom, however, should not be confused with generally excessive demand for goods in short supply. Auto sales are down from last year; home-building has dropped sharply; there are no shortages of consumer goods; nor is there any scare-buying or hoarding. Unemployment at 3.9 percent of the labor force—with joblessness rates of over 12 percent for teenagers, nearly 8 percent for Negroes and 4.6 percent for blue-collar workers—is far from full employment.

The Federal Reserve's attempt to curb this capital goods boom has pushed up interest rates to the highest levels in 40 years—boosting the cost of living and throwing residential construction into a depression.

Because of all these factors, the AFL–CIO Executive Council advocates the following economic policies:

1. Restoration of balance between wages, prices, profits and business investment is essential, as well as much lower interest rates.

2. Increases in the buying power of wages and salaries are needed to provide workers with their fair share and provide a healthy advance in mass consumer markets, the foundation of the nation's economy.

3. The major mechanism for achieving rising real earnings in America is collective bargaining—within the framework of the thousands of different markets, industries and occupations, as well as the national economy.

4. Special attention to lift the real wages of the working poor requires the extension of coverage of the Fair Labor Standards Act to millions of low-wage workers and an increase in the federal minimum wage.

5. High and rising business profits and the economy's rapidly increasing productive efficiency make possible such increases in workers' buying power without raising the price level. In fact, the profits and productivity of many companies are so high that they could simultaneously raise wages and cut their prices to consumers.

6. Achievement of economic balance also requires an effective curb on the capital goods super-boom—through repeal of the 7 percent tax-credit subsidy for business investment in new equipment and/or an increase in corporate taxes. This will also make more funds available for housing, the rebuilding of America's cities and expanded public facilities.

7. Continued growth of the economy is required to achieve and maintain full employment. This means increased real wages and growing consumer markets, as well as sufficient federal funds for the planned expansion of programs to meet the needs of America's growing and increasingly urban population.

8. We urge the Administration and the Congress to provide ample funds to finance an effective war against poverty.

9. Interest rates must be rolled back.

Finally we reiterate our position:

If the President judges the situation to warrant the adoption of extraordinary stabilization methods—designed to bring all costs, prices and profits, as well as wages and salaries, under evenhanded restraint—he can be assured of the support and cooperation of the AFL–CIO. At the present time, there is no such equity, and any such program must apply equitably to all groups in the population and to all components of the cost of living, as well as the cost of production.

We are prepared to sacrifice as much as anyone else, for as long as anyone else, so long as there is equality of sacrifice.

FREEDOM'S ELECTORAL VICTORY

Mr. KLUCZYNSKI. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MULTER. Mr. Speaker, despite the predictions of the pessimists and the cynics, the election in South Vietnam has taken place; and despite the doom and gloom prophets the people of South Vietnam have demonstrated—by a 3-to-1 majority—that they have confidence in their country and in its future.

In the aftermath of the election it is gratifying to note that the New York Times, not known for its support of the administration's Vietnam policy, has editorially endorsed the results. I commend to the attention of our colleagues that editorial, which appeared in the Times of September 12, 1966:

SAIGON'S ELECTORAL VICTORY

The elections in South Vietnam were a success for Marshal Ky's Government and indirectly for the Johnson Administration. According to present available figures, three-quarters of the eligible voters cast ballots. This far exceeds Vietnamese and American hopes before election day.

The victory deserves full acknowledgement, but its effects should not be exaggerated. Candidates were merely elected to an assembly which will draw up a constitution leading to still another election in 1967 or 1968 for as representative a government as the situation and political backwardness of the people will permit.

Since large regions of South Vietnam are under Vietcong control, or subject to the Vietcong's threats, the election could not lead to a genuine popular majority. But, insofar as the South Vietnamese people, at this stage of their history could record a democratic vote, they have done so.

Marshal Ky, himself, has been an in-again-out-again candidate for the office of an elected president, but it is obvious that any future government would have to be either military or, if civilian, willing to prosecute the war. The conflict will go on pretty much as if the election, despite its undoubted value and success, had not taken place.

Hanoi's inflexible rejection of President Johnson's offer of a mutually agreed withdrawal of troops from South Vietnam shows that neither the time nor the circumstances are ripe for negotiations or a truce.

The block on the road to peace has been made clear again and again by both sides, as it was in the recent exchange. The United States says that Hanoi is the aggressor and North Vietnam says that Washington is the aggressor. Behind the simple accusations are all the complex forces of power politics, ideology, nationalism and emotions that make the war in Vietnam so stubborn and, for the moment, so intractable.

Yet, the effort to solve it and to bring about negotiations must go on. The United States cannot assume that Hanoi literally means, and always will mean, exactly what it says today. North Vietnam may one day accept the fact that the United States really intends to withdraw from Southeast Asia when circumstances permit, and Hanoi may also hope that the American escalation of the war will not continue to a point of no return.

In the diplomatic game that goes on behind the crack of guns and thunder of bombs, the ideals for which the United States stands gained a point in yesterday's election. The Vietcong, the North Vietnamese and the Chinese Communists lost by the same margin. The war goes on, but it has been proved that three out of four of those who could vote in South Vietnam braved danger and future risk to do so, and thereby expressed either support for or acquiescence in what the Saigon Government is trying to do.

VICE PRESIDENT HUMPHREY ADDRESSES NATIONAL PLOWING MATCH AT JEFFERSON, IOWA

Mr. KLUCZYNSKI. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. HANSEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HANSEN of Iowa. Mr. Speaker, on Friday afternoon it was my privilege to be on the speaker's platform when our very able and popular Vice President, HUBERT H. HUMPHREY, spoke during the national plowing matches in Jefferson, Iowa.

Thousands of people from my fine State of Iowa and neighboring States were there on a beautiful day to hear one of their fellow midwesterners talk about Iowa's most important industry—agriculture.

With acres of the best crops in years around him, Vice President HUMPHREY clearly and succinctly outlined the aims and aspirations of the administration's farm program. I believe that it was the best presentation on the agriculture program that I have heard.

For that reason, I place the Vice President's speech in the CONGRESSIONAL RECORD.

REMARKS OF VICE PRESIDENT HUBERT HUMPHREY, NATIONAL PLOWING MATCH, SEPTEMBER 9, 1966, JEFFERSON, IOWA

I am delighted to be back with so many good friends. This is not my first visit to a

National Plowing Match. And I hope to be here many more times again.

I did not come here today to tell you that you never had it so good.

I did not come to criticize or to lecture.

I have come to Iowa to thank you, on behalf of the President, for a job well done.

I have come to thank you for your patience.

I have come to thank you for your responsible stewardship of our vital soil resources.

I have come to thank you for your hard work . . . for your ingenuity . . . for your progressive thinking . . . for your unsung success in making America the best-nourished nation in the world.

I have come to thank you for being the resourceful, productive people that you are.

And I have come to tell you that the Johnson-Humphrey Administration is fully committed to giving the American farmer his full and rightful place in our growth and our prosperity.

He deserves nothing less. He must have nothing less.

Let me take a few moments today to put into perspective the challenges we Americans face in the world today, and especially those challenges which directly involve and affect the American farmer.

The overwhelming fact of our time—a fact that is being recognized far too late in the day—is this: That in a world of hunger, there can be no peace.

Governments have risen and fallen on their ability, or inability, to feed their people. And political leaders in the hungry countries are increasingly realizing that neither promises, gold nor prestige will substitute for the basic nourishment of their people.

Per-capita food production in the volatile and poverty-stricken continents of Asia, Latin America and Africa is going *down* and, unless the trend is reversed, will continue going down for the foreseeable future.

As President Johnson said earlier this year when he proposed the Food for Freedom program:

". . . The time is not far off when all of the combined production, of all the acres, of all the agriculturally productive nations, will not meet the food needs of developing nations—unless present trends are changed."

We must meet this challenge in order to move ahead on the narrow road to peace.

We stand ready and committed to lead in the war on hunger. For we stand not only as the richest and most powerful nation on earth, but also as the nation with the greatest agricultural resources.

When we look at American agriculture, we see industry strong and highly developed in its productive efficiency. We see an industry rapidly creating, and adjusting to, change. Productivity has increased more rapidly on our farms than in the rest of our economy. One American farm worker today produces enough to feed 37 people—nearly twice as many as only 12 years ago.

In recent years we also have created and improved the machinery of government programs designed to assist agriculture. Neither the machinery nor the programs have been perfect, but we are trying each day to make them better.

We see, too, an agriculture where, since 1961, a better balance has been achieved between supply and demand.

The surplus is gone. It no longer hangs over markets to depress them. The rate of consumption is growing.

We see, in short, an agriculture superbly and uniquely qualified to help meet the challenge not only of expanding domestic markets, but of a hungry world.

Many of us have seen the article on American agriculture in the current issue of Fortune magazine.

The trends that article points out—trends the American people are increasingly aware of—are these: that the American farmer is entering a seller's market . . . that farm output and farm receipts are headed upward . . . and that a new era of farm prosperity can be at hand.

Yes, for American agriculture, there is a new day ahead.

We must be ready for that day. We must do what is needed to meet the times.

We must be ready to expand American agricultural production.

And we must be ready for changes in emphasis in our government agricultural policies.

Today we need to expand production of wheat, feed grains, soybeans, and dairy products.

In the last four years the world has consumed some 200 million bushels of wheat per year more than it has produced.

In the last four years it has utilized about 6 million tons of feed grains more than it has harvested.

In the case of soybeans, we are using all we produce. Carryovers are minimal. The demand continues to grow.

There is every indication we will need big crops in these commodities for several years hence.

Our production of milk is insufficient now. That is why we have raised the support level for manufacturing milk to four dollars per hundredweight.

We also need to determine and announce government programs at an early date. And we will. For example, we should not—and we shall not—postpone until just before planting time the feed grain and oilseed production goals the Department of Agriculture recommends as desirable in 1967. We all know that more and more farm plans are now made so far in advance that there isn't much left undecided by Christmas for the next year's production program.

We need to maintain adequate reserves.

We must have food reserves for national security. We must have them to assure our markets of adequate supply at fair prices.

We must have them to serve as a cushion against bad weather—as visualized by the late Henry A. Wallace in the ever-normal-granary concept.

Our reserves have fallen faster than expected because crop weather in many parts of the world, including India, has been bad. (Furthermore, it is not generally realized that in the last three years imports of wheat by the Soviet Union even exceed those of India.)

So we must have reserves.

These reserves can and should be insulated from the marketplace. They will be used if needed, but they are not meant to be used in direct competition with sales by farmers. The Commodity Credit Corporation should not be and will not be your competitor. Its use should supplement—not supplant—farm income.

Our position of world leadership requires that we maintain an arsenal of food and fiber just as we maintain an arsenal of military weapons.

But your government has no intention of calling upon the American farmer to provide that arsenal at the sacrifice of a fair price and a decent income.

Farm producers are well aware of what happened to them at the end of the Korean War.

They remember that their government called upon them to expand production and open up new acres, and they remember what happened to prices and income.

They went down, down and down.

We have no intention of calling on American agriculture to pay the cost of policies and programs that belong to the entire nation.

The Johnson-Humphrey Administration knows that the American farmer is doing more than his share in helping to create well-being and prosperity in his country. We know that he is doing more than his share in helping to create a freer and more peaceful world. And we will not be satisfied until he stands in the position of equality he deserves in our society.

Today, partly because of farm legislation achieved in the past few years, we are seeing an improvement in farm income.

On September 1, 1960, you were selling your hogs in Chicago for $15.46 a hundredweight. On September 1 of this year you were getting $24.89 a hundredweight.

Number one yellow soybeans were bringing you $2.20 a bushel in Chicago on September 1, 1960. On that same date this year they brought you $3.78 a bushel.

Farmers were receiving $1.18 a bushel in Chicago for their number 3 yellow corn on September 1, 1960. Six years later that corn was bringing them $1.46 a bushel. And if you were in the Feed Grains Program you received an average of $1.71 a bushel.

The price to farmers for manufacturing milk was $3.19 a hundredweight in August of 1960. In August of this year it was $4.18 a hundredweight.

Choice grade beef steers weighing between 900 and 1100 pounds were bringing farmers $24.75 on September 1, 1960. The price had risen to $25.75 on September 1, 1966.

And number 2 hard winter wheat was selling in Kansas City for $1.97 on September 1, 1960. Six years later, with the Wheat Certificate Program in operation, farmers were receiving an average of $2.46 for the same type wheat.

The farm programs begun by the Johnson-Humphrey Administration have worked. They have had a favorable effect on farm income. We should not abandon them. Rather, we should continue to make improvements in them which will work for the benefit of all our farmers and those living in rural America.

Most of you recall that farm legislation was difficult to pass in 1961 and 1963.

Feed grain legislation was a nip-and-tuck affair in the United States House of Representatives in 1963. Only one Member of Congress from Iowa voted for the Administration's Farm Bill that year. That one supporter was Congressman NEAL SMITH. He also was the only Democrat in the Iowa Congressional delegation that year.

When only one member of a delegation of seven supported the farm bill, Members of Congress from urban districts were puzzled. Why, they asked, would a farm bill be opposed by six out of seven representatives from the great farm state of Iowa?

They weren't puzzled very long. In 1964, Iowa made some needed changes in its representation in the House of Representatives. Your delegation went from one Democrat and six Republicans to six Democrats and one Republican. And when the issue of extending the feed grain program came up in 1965, it was supported by all six Democratic Members, Representatives NEAL SMITH, JOHN CULVER, BERT BANDSTRA, STANLEY GREIGG, JOHN HANSEN, and JOHN SCHMIDHAUSER.

It was opposed by the one hold-over Republican. But a number of Republicans from such states as Minnesota and Kansas joined in supporting the 1965 farm bill. It was passed with votes to spare.

You will continue to need these men in the Congress to provide leadership in Washington to match that of Governor Harold Hughes in Iowa—prudent, progressive, strong leadership—which benefits the people of this state. You need, too, Pat Touchae to give the Third District the same representation. I hope the good people of Iowa will see to that this November.

Last year, President Johnson sent to the Congress a truly remarkable state paper: His Farm Message.

That message dealt at length with the need for parity of income for commercial farmers, for price support and production adjustment programs. It emphasized a market-oriented

policy, calling for restraint in the role of government in supply and distribution.

It dealt also with long-range cropland adjustment, reserve stocks and agricultural trade. It recognized the key role of agriculture in the achievement of broad economic policy objectives for the nation and in world affairs.

It outlined plans for establishing a National Advisory Commission on Food and Fiber, which is now reviewing our farm policies across-the-board.

And the President urged that we use our agricultural abundance and technical skills in agriculture to assist the developing nations to stand on their own feet.

President Johnson's Farm Message was a blueprint for the future. It deserves the support not only of the American farmer, but of all Americans.

For what it, in essence, set forth was the President's faith that the people of a free society can accomplish far more than people living under the oppressive weight of totalitarian controls and dogma.

Today nothing is more obvious than the failure of Communist societies to meet the food and fiber needs of their own people—much less the needs of others in the world.

As a result, the developing nations of Asia, Africa and Latin America look increasingly to America and other free nations—not just for food and fiber, but also for answers as to how they can do more to feed and clothe themselves.

That is why I believe that, in the long run, our food power—far more than military power—can be the critical factor in the achievement both of democratic institutions and of safety in the world.

Food power is our secret weapon.

Food is life. Food is strength. Food is hope and compassion.

Food is the giver of health and vigor to children. Food is the vital ingredient of social stability and peaceful change.

Let us use that power wisely and well.

Let us, in the world, act in the same spirit that today is everywhere in our society at home—a spirit of building, of progress, of commitment to equality and justice.

Let us use the tremendous resources at our command to bring health, education, food and the techniques of modern agriculture to struggling nations living in the shadow of famine and outside aggression.

It is today our challenge and our responsibility—to replace, throughout the world, the blind stare of hunger and poverty with the clear vision of a freer and happier day ahead.

If we meet that responsibility, we have the chance—as few others ever have—to be remembered in history not as makers of war, but as makers of peace . . . not for our wealth, but for our compassion . . . not for our things, but for our ideals.

I have faith that we Americans—and especially those Americans who draw their strength from the rich earth—will prove equal to that responsibility.

I have faith that our productivity, our experience, our knowledge, our determination, can be successful in the building of a world where lights shine forth from every window . . . where the bounty of earth waves free across open fields . . . where children stand strong and straight to face a future filled with peace and promise.

SUPPORT FOR PRESIDENT'S ANTI-INFLATION PROGRAM

Mr. KLUCZYNSKI. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. HANSEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HANSEN of Iowa. Mr. Speaker, I rise to support the President's anti-inflation program which he has now outlined to the Congress.

Inflation is an insidious enemy, striking stealthily, hunting the weak, and weakening the strong. Only a comprehensive governmental program, stoutly supported by every segment of the economy, can cope with its dangers.

One of the most important and effective steps that can be taken in our effort to beat inflation, is for this Congress to support the President's suggestion that we suspend the investment tax credit and accelerated depreciation program.

The investment tax credit of 7 percent became effective in 1962. It had been enacted by the Congress as part of a comprehensive plan to stimulate the economy. Unemployment stood at too high a level and strong measures were needed to restore prosperity.

The investment tax credit program was simple and effective, but the problems of 1966 require a reappraisal of that measure.

The President has now focused the Nation's attention on the needs of 1966.

We should remember that the programs we are asked to suspend were designed to take care of a particular problem. That problem is not only now solved, but the pressures are now operating in the opposite direction.

We have too much to lose to allow that to continue.

These steps we are asked to take are not easy, but they are firm and they are prudent.

We have been asked to assist in preserving what we have only begun to enjoy.

The fixed incomes of millions of Americans must continue to have meaning in the marketplace.

The real wages we are paid must not be allowed to be eroded by prices increasing at too fast a rate.

We need now to suspend these programs which successfully brought us out of a long-departed trough, but now threaten us when we are near the peak.

Once again we see the emergence of historic Democratic philosophy—a real concern for the well-being of people as individuals as opposed to the attention paid by our opponents to the interests of property.

The President has proposed a bold and constructive program, I urge the Congress to move immediately to do its part.

LETTER TO CONSTITUENTS

Mr. KLUCZYNSKI. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana [Mr. MORRISON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MORRISON. Mr. Speaker, the following is a letter I am sending to some of my constituents:

DEAR FRIEND: I have represented you as your Congressman for 24 years.

I am running for re-election on my record of service.

I am one of 435 members of the House of Representatives.

I rank 28th in seniority. Because of this seniority and hard work, I hold a powerful position of influence in the Congress which I have always used for the benefit of the citizens I represent.

But—

I cannot control the President of the United States.

I cannot control the Supreme Court of the United States.

Neither can any Senator or any Congressman, but I can and do control my own conduct in public office.

My opponent's platform consists only of the following: "God and Constitution."

Well, during the entire 24 years I have served you as your Congressman I have tried to conduct myself as a public official according to the principles of life our parents taught us and we all teach our children—God's principles, upon which our Constitution is based. I will continue to do so.

I feel confident that God looks no more kindly upon my opponent than he looks upon me and those who voted for me. My supporters and I have no greater claim on God than does my opponent or his friends. But neither does he have a greater claim to Him than I or my friends and supporters. Because if I understand God's nature, and I think I do, He is equally interested in us all.

God abhors violence and disrespect for law, order, and authority, from whatever source. So do I. So do you.

As I approach the afternoon of my life, it is too late for me to change. I could not change if I tried. I do not know how to hate or preach hate. Hate consumes the hater.

In January I will be Chairman of one of the most important Committees of the House of Representatives as well as a member of other important Committees. These positions and this seniority make it possible for me to get things done for you and the other citizens I represent of the Sixth District which no freshman Congressman could possibly accomplish.

I have devoted my life to serving you in Congress. I was only 667 votes short of a clear majority over all of my opponents in the First Primary. I led my First Primary opponents by nearly 9,000 votes.

I need your vote and support on September 24. I urge you to do two things, work hard for me, and be sure to vote, Saturday, September 24th.

Sincerely,

Your Congressman,

JAMES H. MORRISON.

TAILORING TAX ACTION TO THE STATE OF THE ECONOMY

Mr. KLUCZYNSKI. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. O'HARA] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'HARA of Michigan. Mr. Speaker, two major points of the President's anti-inflation program are designed to deal with the booming demand

in business investment. The 16-month suspension of the investment tax credit and accelerated depreciation both reduce the attractivenes of marginal types of investment.

Suspending the 7-percent investment tax credit will cause the businessman to think more carefully before purchasing machinery and equipment. Suspension of the accelerated depreciation on buildings and structures will have the same effect on these components of investment.

We know the boom in plant and equipment investment has reached levels which cannot be sustained. For the past 3 years, it has expanded twice as fast as gross national product. Until recently, this was a healthy phenomenon, because both investment and the general economy had been depressed. But investment now threatens to go too far too fast, and prudent fiscal policy calls for just such a course as the President has proposed. An increase in tax liabilities associated with investment will tend to curtail excessive business spending and thereby reduce inflationary pressure on both resources and money markets.

When demand exceeds the available supply, a tax increase is called for to siphon off the excess demand. On the other hand, when the situation is reversed and the demand is deficient, a tax decrease is called for. It is for this reason that the President's plan to suspend temporarily the investment tax credit and accelerated depreciation might be described as a two-edged weapon.

Today we need to dampen business investment. But with the end of the Vietnam conflict, the situation may well be reversed. You may need an additional stimulus to investment. Following the President's plan, and again following the dictates of a rational fiscal policy, both temporarily suspended provisions would be reinstated. The economy would be given a needed shot in the arm.

Thus the President's plan has a double advantage. It restrains inflation today. And it postpones what is now excessive investment to a later period when it can help rather than harm the economy.

SUPPORT FOR INFLATION CURBS

Mr. KLUCZYNSKI. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. VANIK] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. VANIK. Mr. Speaker, I want to take this opportunity to indicate my hearty support for the President's recent proposals to curb inflationary pressures arising from the unexpectedly high levels of capital improvement which resulted from previous tax action by the Congress.

I am an enthusiastic supporter of the President's proposal to suspend the investment credit which I feel has thrown the productive sector of our economy out of balance. I believe that investment credit has served to siphon off critically needed resources for homebuilding and home establishment.

The consumer is bound to benefit from reduced pressure on the financial resources of the country, generated by the investment credit.

The President's proposal will serve to extend full employment and balance productivity.

WESTERN HEMISPHERE IMMIGRATION LEGISLATION

Mr. KLUCZYNSKI. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. GILBERT] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. GILBERT. Mr. Speaker, I wish to include in the RECORD a recent editorial in the El Diario-La Prensa, a leading Spanish-language newspaper in my State of New York, which emphasizes the need for legislation I have authored. I refer to my bills in behalf of Cuban refugees and certain nonimmigrants who are natives of the Western Hemisphere now in the United States and seeking to adjust their status to permanent residence.

The first of my two bills, H.R. 12596, will abolish the requirement that Latin Americans currently in the United States leave this country to apply for permanent status if their applications to adjust were filed prior to December 1, 1965, the date the new immigration act became effective. This bill will benefit thousands in this category who were in the process of adjusting their status when we passed the new act. I was pleased when my Judiciary Committee took prompt and favorable action and, then, when the House passed my bill on August 1, 1966—House Report No. 1771. I now call this bill to the attention of the Members of the Senate and urge early action in that body. It would be unfortunate if the Senate fails to act before adjournment of this Congress.

My second bill, H.R. 15183, will permit Cuban refugees in this country to adjust their status and become permanent residents if they so desire. My bill was approved, with amendments, by the House Judiciary Committee on September 1, 1966, and I am hopeful it will reach the House floor in the near future and thereafter receive both House and Senate approval. I call attention to House Report No. 1978, and to my statements in the CONGRESSIONAL RECORD, May 24, 1966, pages 11335, 11336; August 10, 1966, pages 18856–18857; August 11, 1966; page 19163; and August 17, 1966, pages 19699–19700. This bill has the support of officials of the Justice Department, the Department of Health, Education, and Welfare, and the State Department.

The editorial of El Diario-La Prensa follows:

HOPE FOR THE IMMIGRANT

Our Congress, which made pariahs out of the Latin Americans when passing the new Immigration Act, is now trying to correct some of its own undoings through a series of amendments.

Time is running short however and we do hope that these amendments will be passed by both Houses before its coming adjournment, as otherwise they will be nothing but an expression of good intentions.

One of these amendments has just been passed by the Judicial Committee of the House of Representatives and will give permanent residency to 165,000 Cuban refugees without forcing them to leave the country in order to obtain their resident cards.

We congratulate both the Cuban refugees and Representative JACOB H. GILBERT for this initial victory. However, we should remember that the victory will not be total until the measure is passed by the House and Senate alike.

The bill will be considered by the House on September 19th and then it will go to the Senate for its ratification.

The incongruence of the present regulations governing the Cubans are obvious, so obvious that our Congress should pass without any further delay, Representative GILBERT's bill, if it does not want to keep on imposing undue hardships to the thousands of Cubans who came to this country fleeing from the Red tyranny in their homeland.

This is not the only bill connected with the Latin Americans that Congress should pass in its present session. There is another, also introduced by Representative GILBERT, on which immediate action is needed. According to that bill, already passed by the House of Representatives, permanent residence will be given to about a thousand Latin Americans who requested it before November 1st, 1965 when the new discriminatory Immigration Act became effective.

All the Latin Americans should bombard with letters the members of both Houses asking them for the approval of these bills before Congress recesses on or about October 15th.

While we are glad that Representative GILBERT has introduced these two amendments, there are still other inequities that should be corrected in our Immigration Act. Unless the United States wishes to be labeled as "Anti-Latin American", the administration of the Immigration law should be modified so as not to close the door of the United States to all the citizens from south of the border.

Senator EDWARD M. KENNEDY is to be congratulated for his interest in easing up the restrictions now enforced by our Labor Department.

One of the modifications now under consideration will remove the cumbersome requirement of individual certification by the Labor Department for prospective immigrants in 21 skilled-labor classifications. Applicants in these categories will no longer be required to prove that they have specific job offers. Furthermore, their employers will no longer have to prove that they cannot fill the job locally.

A second change will reduce by one-third the list of unskilled occupations whose entry is now prohibited.

We urge the Labor Department to accept right away these modifications as there is no doubt that its system of individual certification is destroying the very spirit of the new Immigration Act which tended to liberalize—and not to hamper—the immigration.

HOMEBUILDERS WILL BE HELPED

Mr. KLUCZYNSKI. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. HOLIFIELD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HOLIFIELD. Mr. Speaker, I heartily approve of the President's suggestion that Congress suspend the 7-percent investment tax credit for a period of 16 months. This should put a brake on the booming expansion of commercial construction and capital plant equipment investment.

On Tuesday, September 6, 1966, in a speech given on the floor, I suggested the cancellation of the 7-percent capital investment credit immediately. I believe this justifiable action will slow up planning for huge expenditures in commercial and industrial expansion.

The President's plan for suspension of the investment credit and accelerated depreciation will serve the present situation better than complete cancellation which I had suggested. It will serve as a warning against immediate planned expansion and, at the same time, hold out for the heavy construction industry the possibility of a resumption of the credit investment allowance at the end of the 16 months, providing the present inflationary pressures have been decreased.

HOMEBUILDERS WILL BE HELPED

The President's program to assure the continuing health and strength of our economy is uniquely designed to moderate the boom without starting a recession. It is precisely directed at curing the imbalances that have appeared, imbalances that are threatening to so overheat certain sectors as to the cause an unpleasant correction. Nowhere is the wisdom behind the President's recommendations more clearly shown as in its effect on the construction industry, and the homebuilding industry in particular.

Construction is booming. Excess demand for some materials is creating pressures for rapid price rises. Similar pressures are appearing in construction wages. Obviously, corrective action is needed.

But at the same time, home construction appears to be reaching recession stages. The contrast is striking. Commercial and industrial construction in the last 12 months is running 27 percent over the previous year. But according to the July figures, the latest available, housing starts are running 28 percent below last year. This shows in those parts of the economy particularly dependent on housing construction. Construction workers in general may be getting more pay, but some carpenters may even be finding it hard to get a job. Cement prices may rise, but demand for lumber is weakening.

The President's program uses a scalpel to separate surgically its effect on the two segments of the construction industry. The suspension of the investment credit and accelerated depreciation will primarily affect the construction of business plant. As demand for such construction diminishes, resources will be released for home construction. There will be no mass layoff of construction employment; there will be no drastic reduction in industrial production of building materials. Activity will be switched from a segment of our economy that is speeding too fast down the road to a segment whose lagging pace is threatening the entire economy.

The homebuilder, who is almost always a small businessman, unable to transfer his business operations to another kind of activity, will again be able to contribute his share to the healthy development of our economy. And all those who have been deprived in the last few months of the opportunity to build or buy a new home will be able to satisfy their legitimate longing.

The Congress has already contributed to this program of transferring construction activity to a depressed industry by passing the bill increasing FNMA's authority to purchase mortgages. We must continue by responding promptly to the President's request to enact pending legislation to prevent competition for deposit and share accounts from driving up interest rates, and drawing money away from the mortgage market. We must promptly enact the tax revisions requested.

We must take the actions the President has requested to allow all sectors of our economy to pull evenly together toward the goal of an increasing standard of living. If we allow one member of the team—the homebuilding industry—to falter and stumble, all progress in our economy can come to a halt.

THE OTHER SIDE OF THE COIN

The SPEAKER pro tempore (Mr. BOGGS). Under previous order of the House the gentleman from Pennsylvania [Mr. DENT] is recognized for 30 minutes.

Mr. DENT. Mr. Speaker, whenever a domestic industry has trouble with import competition, some highly pedigreed economist of the academic world will say that the reason for the difficulty can be traced to inefficiency of the domestic industry itself. This indictment of domestic industry has become a matter of habitual response and is accepted by entirely too many opinion molders who do not bother to look into the underlying facts.

I think it is safe to say that there exist very few if any American industries that could not compete with imports if they were free to pay the miserably low wages that prevail in many other countries. If American industry were inefficient, how did it come about that we were asked after the war to allow thousands of foreign productivity teams to visit our plants and to study our production methods? If we are so inefficient that we cannot compete with imports because of inefficiency and not because of low foreign wages, why was it that other countries were eager to benefit from our technology and to copy it?

Mr. Speaker, this inefficiency charge is a wornout cliche of the free traders who never seem to be able to look the facts in the face. They have a grand philosophy and that is all that counts. Everything else must be bent to this philosophy whether doing so makes sense or not.

One peculiar thing about so many of those who support high wages, shorter hours, and better working conditions in this country, including many legislators, is that they do not wish to live with the consequences. Higher wages along with social security, welfare legislation, and so forth, make for higher costs. Many of those who give all-out support to these cost-raising measures, shrink from some of the consequences, such as higher prices for consumer goods.

Suddenly they are converted into consumers and as such they want low prices. If imports can be bought at lower cost than the domestic prices, these people jump at the bargains. Never mind that in so doing they undermine the very objectives they sought as supporters of social and welfare legislation. They want their cake in the form of national social legislation, and yet enjoy it too, in the form of low-priced imports. I say it cannot be done for long.

They do not bother to ask why the imports cost less. They have perhaps never dug into the elements that go into the cost of goods. If they did so they would find that what is paid out in wages has more to do with cost of production than anything else—far more. They have been misled by descriptions of industries in which labor cost is said to be only 15 or 20 percent or some similar low figure. They have not gone behind these surprising low wage costs to find out what explains them.

Now, Mr. Speaker, I have voted for social and welfare legislation and expect to continue doing so; but I do not delude myself into believing that these measures do not increase production costs. I stand ready to support the industries and producers on whom we lay these burdens and to see to it that they get fair treatment when they are confronted with imports from countries that pay much lower wages, even as their productivity rises rapidly to levels comparable with those in this country.

Mr. Speaker, a short time ago I opened hearings before the General Labor Subcommittee of the Committee on Education and Labor to study the problem of the effects of imports on employment.

One of the witnesses before that subcommittee was O. R. Strackbein, who is chairman of the Nationwide Committee on Import-Export Policy. In his statement, Mr. Strackbein addressed himself to the subject of the cost, in terms of employment, involved in becoming competitive with imports where there is a cost difference between domestic and foreign industry. I believe that this analysis throws much needed new light on just what is involved in reducing production costs in efforts to become competitive.

With trade agreements legislation again soon staring us in the face, I recommend to every Member of this body that he read Mr. Strackbein's analysis which under unanimous consent I insert in the RECORD at this point:

THE COST IN EMPLOYMENT OF BECOMING COMPETITIVE WITH IMPORTS

(Statement of O. R. Strackbein, chairman, the Nationwide Committee on Import-Export Policy, before the General Subcommittee on Labor, House Committee on Education and Labor, August 29, 1966)

This statement is in support of HR 16831 which provides that the Secretary of Labor shall undertake an investigation to gain full

information whenever any employer or group of employers, employing a substantial number of workers in an industry, or a labor organization informs him that competition of foreign producers in United States markets or markets abroad or both has resulted or is likely to result in increased unemployment.

The need for this legislation becomes apparent when it is appreciated that American labor, whether industrial or agricultural, inevitably bears the brunt of import competition. To substantiate this assertion and to call attention to the vulnerable position of American producers and manufacturers, but more particularly the workers, to the onslaught of low-wage competition from abroad, and to accent and emphasize the consequences of this confrontation to employment in this country, an analysis of the workers' stake is presented here, together with comments and conclusions:

CHALLENGE TO THE AMERICAN ECONOMY

From a position of industrial leadership of the world American industry now faces the pressing problem of adjustment to foreign competitive forces that owe their origin and their strength to widespread adoption of the American economic system by other countries. This industrial transformation abroad has brought a new dimension to the old problem of foreign competition.

Simply stated this means facing the consequences of overseas acceptance of mass production based on mass consumption. Karl Marx foresaw the need for foreign markets to absorb the great productive output of every more versatile and prolific machinery. Indeed, he saw in this torrent of goods and the "niggardliness" of capital ownership toward distribution of wages both the fatal inner contradiction of the capitalistic system and the roots of bloody international conflicts over markets for surplus goods.

MARX OUTFLANKED

Mr. Marx, while perceptive in foreseeing the flood of goods, did not reckon with either the resourcefulness of the American businessman or his pragmatic flexibility. Nor did he reckon with the penetrative eye of American economic philosophy that was perhaps best expressed in the stubborn demand for fair competition among producers and the great aversion toward monopoly practices that developed in this country—a posture that led to lower consumer prices as productivity advanced. Thirdly, he did not grasp the usages of an open political system that permitted the organization of labor, and the spurt of strength achieved by free labor unions in bargaining, a process that led to a highly absorbent consumer purchasing power and relieved the dependence on foreign markets, which was never as great as in Europe and Japan.

Yet it was precisely these overlooked developments among others, that dissolved the very bases of Marx's prediction and maledictions. The world owes this country such thanks as may be due for pointing the way to material abundance by a route that avoided both the destructiveness of revolution and the banishment of freedom that is inherent in the "dictatorship of the proletariat". Today, however, we no longer enjoy a monopoly of our system and in place of thanks we face critical economic alternatives.

One of the cornerstones beside the profit incentive upon which the American system came to rest, once the possibility of mass production through the harnessing of machinery was established, was mass consumption. Little by little, as the Twentieth Century advanced, wages came to be recognized as the major repository of purchasing power. Once this recognition spread over the country the mutuality that binds capital and labor together began to assume a profile of encouragement rather than one of class warfare. Pessimism gave way to a tentative optimism. Labor as consumer was the businessman's friend and not his enemy. He, the working man, was by all odds the businessman's best market. Even through the stubborn resistance to higher wages, this recognition began to loom and to draw the teeth of class hatred. The businessman does not prosper by hating his customer. By the same token the capabilities of industrial management and the confidence of businessmen in the future such as typically sparks expansion when profitable operation is sighted ahead, was appreciated by labor as the prolific source of jobs and fatter payrolls.

Industry had amply demonstrated that it had great capabilities that would wring from technology great productive wonders if only it were given a chance and an incentive rather than being treated as an enemy. It could not only supply consumers with low-priced goods but in doing so would increase both employment and wages, and profits. Thus was Marx outflanked.

ADOPTION OF THE AMERICAN SYSTEM ABROAD

The United States emerged a few years after the end of World War II as the undisputed industrial champion of the world. It had unlocked the secret for which Karl Marx did not have the key; or, if he had it, was blinded by hatred from finding its proper use.

Now, after twenty years of post-War development in other parts of the world, based in great part on the American vision, the United States is faced with a problem that has not been sufficiently recognized. This problem, as already noted, arises from the foreign adoption of our system and the proliferation of it in a number of industrial countries. Recognition of the productive virtues of our system and its dependence on a mass market has underwritten a number of economic mergers such as the Common Market (EEC), the European Free Trade Area (EFTA), etc. These represent the quest for mass markets such as we have enjoyed since mass production created a need for mass consumption and since our population, supported by good wages, had grown to adequate proportions.

CHALLENGE FROM ABROAD

The European countries and Japan have undergone a feverish development, what with the adoption of mass production methods based on advanced technology, which in many instances was derived from this country and paid for in great part by the American public. Productivity advanced very rapidly in those areas. The beginnings from a low base made percentage gains appear phenomenal. Foreign wages have also risen phenomenally, particularly in Japan. Nevertheless, with the exception of Canada, other countries remain far below us in wages. European wages are roughly in the magnitude of a third of the American; the Japanese even less.

Yet in many foreign industries productivity has approached our levels more closely. One of the best examples is basic steel. This product has two or three virtues for comparative purposes. The product is relatively homogeneous; and statistics on production, employment, output per man-year and wages, are available in a form that other products often lack. Steel production is measured by the ton and the product is sold by the ton. Therefore comparable prices are also at hand.

It may be possible to trace some of the developments both here and abroad illustrating the trends that confront other elements of American industry in the years ahead.

Broad conclusions on the cost of becoming competitive in other products in foreign markets and at home may then be reached.

The relation between employment on the one hand and cost reductions of sufficient magnitude to produce a competitive effect on the other, is not easy to establish; but we need not be helpless. For one thing, we have the example of the domestic coal industry which 15 years ago was confronted with the problem of survival in a world in which it was buffeted and tossed not only by import competition from petroleum, but at home by natural gas and diesel and fuel oil. The coal industry survived but did so only by resorting to perhaps the most drastic and ruthless economic surgery that has been recorded on this continent.

The statistical background of the coal industry makes possible the comparison of productivity trends with consequent displacement of labor, and the effect of cost-reduction on competitive survival at home and abroad.

COST OF BECOMING COMPETITIVE

The burden of regaining a competitive position in coal, as in any other industry, so far as employment is concerned, falls steeply and inevitably on employee compensation as the predominant factor in the cost of production. Drastic cost reductions that can be passed on to the customers can be achieved only by going to the factor that embodies most of the costs, namely, wages. In both 1962 and 1963 employee compensation represented 81 percent of total corporate income in this country. The wages of coal miners are 20 percent higher than the average in manufacturing as a whole. Therefore the share going to labor might be expected to be at least equal to the national average.

It is obvious therefore that little headway can be made toward cost-reduction without reducing the payroll. It is not usually appreciated how deep this cut must be if it is all taken out of the last stage of production. This can best be understood when we reflect that beside profits the remaining 19 percent of corporate outlays after employee compensation is attributable principally to overhead or costs that are quite rigid, such as taxes, and cannot be reduced significantly.

Simple arithmetic will show that if the cost of making an article is $100, a 10 percent cost reduction coming out of the 80 percent segment would call either for a wage reduction of at least $12.50 or a dismissal of 12½ percent of the work force, or a combination of the two. A wholly integrated industry making the entire product from A to Z and employing 2,000,000 workers would find it necessary to cut the force by some 250,000 to make this magnitude of cost reduction while maintaining the output level. In industries in which semi-processed materials and manufactured parts are used, the last stage of production, often called "the industry", is an assembly operation, such as the automobile industry. Here a greater worker cutback would be required to make the savings necessary for cost reduction, if the entire burden fell on the last stage of production.

If 500,000 were employed in the last stage and if this group had to bear the entire 10 percent production cost reduction while the other 1,500,000 employed in the earlier stages bore none of it, the cut in employment in the last stage must be 50 percent: to yield a cutback of 250,000 workers.

The average concentration of workers in the last stage of production in all manufacturing in 1963 was 23.8 percent. Therefore any cost-reduction on the finished product would ordinarily be borne by less than one-fourth of the total employment dedicated to producing the item. This one-sided distribution of the burden accounts for the drastic effects of cost reduction on the workers employed in the last stage.

THE EXPERIENCE IN COAL

The history of the coal industry during the past 15 years indicates that a 10 percent

cost reduction would have been futile in regaining a competitive standing with imports of oil, with natural gas and domestic diesel and heating oil. The fact is that in order to survive, as the coal industry has indeed contrived to do, a very steep improvement in productivity was essential. Coal mining concentrates a great part of its cost in the one stage of production. The product has no parts and components to be manufactured elsewhere. However, today the cost of machinery is a considerable element attributable to the preparatory stage.

How drastic in point of magnitude the need for labor displacement was in coal can be appreciated by what was done in fact. Productivity per miner was increased from 1,159 tons per man in 1950 to 3,697 tons in 1965. This was more than a threefold increase—a ghastly exaction indeed. The work force was reduced from 483,000 in 1950 to 142,000 workers in 1965. There was a very close correspondence between the increased productivity and the decimation of the work force. Productivity went up a little more than three times and the work force was reduced to a little less than a third of what it was. The cost was 341,000 jobs or a little more than two out of every three. From the worker's point of view this could qualify as economic massacre.

Obviously if all American industries had been confronted with the same need and had been able to record such an astounding technological improvement the result to the nation would have been catastrophic. Instead of one Appalachian area we would have faced universal destitution. The ugly results of excessive speed in mechanization was visible here. Luckily other industries were not in as dire straits as coal. Yet today many of them are unmercifully pressed by imports to follow the example of coal to an uncomfortable degree.

The saving factor for the coal industry resided in its ability after the adjustment to market coal both at home and abroad. The price of coal because of reduced costs lagged sufficiently to make this possible. Export tonnage soon doubled, reaching 10% of the output.

Three observations are in order: (1) Not all industries are beset by competition to a degree equal to coal, pressed as many of them are; (2) not every industry is able to effect so drastic an increase in productivity as did coal; (3) other industries have an escape in foreign investment, such as was not open to coal, but with as dire consequences to labor.

The principle of cost-reduction in manufacturing nevertheless remains the same. The reduction must come from the factor where the real cost lies. This is labor.

THE CASE OF STEEL

If we return now to the steel industry and apply the example of the coal industry several useful conclusions may be drawn.

That steel faces a difficult competitive confrontation in the form of imports follows from the trend of steel exports and imports. The two have reversed position in the past eight years. From a comfortable net export position up to 1958 we now import three to four times as much steel tonnage as we export. Imports reached approximately 10% of domestic production in 1965, a record year, and much higher percentages in particular steel products. Steel also engages in a running competitive battle with other products such as glass, plastics, concrete, wood and aluminum. This pressure, however, is not as intense as that faced by coal in the fifties.

However, steel imports present a stubborn problem because of the adoption of the American system of mass production and the great expansion of production, particularly in Japan and the EEC countries, with output per man-year not nearly as much lower than the American as the wages paid are below those prevailing here.

Productivity in American steel plants has risen 50% since 1950, with the result that in 1964 the industry produced 32.4% more basic steel with 13% fewer workers than in 1950, or a drop of 75,000 workers. Considering the increase in population during this period, some 24%, the load placed on other industries and other economic activities by this disgorgement of workers, was naturally heavy; for if steel had absorbed its share of the population increase in employment it would have added 140,00 workers instead of dropping 75,000. The absorption elsewhere therefore must be 215,000 to avoid unemployment. The question arises of how high a mechanization speed the economy can stand.

The displacement in steel was not great enough in fact to effect the magnitude of cost reduction necessary to achieve competitiveness with imports. In comparison with coal it was mild. The profits of steel companies as a whole in 1965 were 9.8% on stock equity and this, according to the Federal Trade Commission, was the lowest in the durable goods field, but nevertheless higher than in 1963 and '64. In dollars and cents the net was $1.4 billion. The payroll, on the other hand, was $4.11 billion (1963). This was 50% of the value added by manufacture ($8.35 billion) and 22% of the value of shipments ($18.6 billion).

If we assume that a cost reduction of 10% would achieve competitiveness for steel, as it might in some products but not in others or in some locations and not in others, we may determine with some confidence what the cost would be in employment. The value of shipments having been $18.6 billion, a 10% reduction would be $1.86 billion. If the payroll of the steel industry's last stage of manufacture were asked to bear this load it must (on the 1963 base) be cut from $4.11 billion to $2.25 billion or by 45%. This would involve the displacement of some 225,000 workers (45% of 500,000). If the burden could be distributed backward over the earlier stages of production to the iron ore miners, coal miners, railroad workers, machine builders and others employed in the preparatory stages of producing steel, the labor displacement could be distributed more equitably but the total displacement must still remain in the magnitude of 225,000 workers, whether effected in the one stage or several.

The other alternative would like in a wage reduction sufficient to save $1.86 billion. The percentage would be the same as in worker displacement, i.e., 45%, if borne exclusively by the steelworkers or lesser magnitude (some 12½% across the board) if the burden were shared equally by the iron ore and coal miners, etc.

Whether a 10% cost reduction in the finished product would be effective is not known, since other countries are also capable of increasing their productivity. Also, whether domestic steel has the technology to make such a productivity leap is highly questionable.

Assuming, however, that it were technologically attainable the question arises whether it should be done, or whether the price of precipitate action would not be too high. The dangers of excessive speed are clear enough. Yet high-speed mechanization is demanded by the exigencies of import competition.

Would it then be desirable to sacrifice the host of jobs at stake to adhere to a trade policy that demands lowering of trade barriers, let the chips fall where they may, or precludes imposition of added restrictions on imports?

If, on the other hand, it could not be assumed that the technological means of effecting the necessary cost reduction were available, the next question must be whether the steel industry should be left in its exposed position without a protective handicap against the foreign wage-productivity advantage. In that event imports would be expected to continue rising and to cause domestic labor displacement by capturing more of the market. Should the total demand for steel rise the effects of rising imports would be offset to that extent. However, should consumption not rise or should it decline one or more of several results could be expected: (1) a sick steel industry (as was coal), facing unattractive profit levels, leading in desperation to feckless cost-cutting efforts, (2) investment in foreign steel facilities as a hedge and (3) stagnation in steel employment.

Annual wages in the steel industry in Europe and Japan are in the magnitude of $2,000-2,500; in this country, from $7,000-7,500. Relative productivity (1964) ranged from 151 tons (France) to 181 tons in West Germany and 156 tons in Japan, compared with 248 tons per year in this country (also 1964). With a three to one ratio in wages our productivity has an advantage of roughly only 50%. This obviously falls far short of bridging the wage gap.

American export prices of steel were from 35–50% higher in 1964 than those of the European Coal and Steel Community. Yet that is not the source of the most difficult competition. Japan has rapidly increased its share of the American market, having in 1965 supplied over 40% of our imports, compared with only 17.9% in 1960. Therefore her prices evidently afford an advantage even over the European. She now ranks third in the world steel production, behind this country and the USSR.

The upshot is that if the import tonnage is not limited, the domestic steel industry must attempt to do what was accomplished in coal, namely, achieving competitiveness if the technological means are at hand. The industry is already on the hurry-up path, and in 1966 is spending over $2 billion in modernization and spent neary as much in 1965. When the new plants are completed the competitive position will no doubt improve but more drastic steps may be necessary in view of foreign progress in steel production. The apparent cost gap of 35–40% will not be spanned even with the burden of ocean freight and insurance added to the imported product. As for exports the freight burden will be a standoff with other countries. Therefore the export market, already leaning heavily on AID shipments of steel (some 40% of the total), cannot be expected to prosper, with the world excess of steel capacity pressing on export prices. This excess capacity and the nationalistic aspects of steel production will dampen investment in foreign steel facilities as a hedge. Even if this escape were open to the steel companies, the workers would still face the music.

Any proposed solution that overlooks the vastly preponderant cost factor and the advantage enjoyed in this factor by foreign producers will be both futile and disastrous.

OTHER INDUSTRIES

What is true of coal and steel is true of other industries facing import competition that owes its principal advantage to a considerable differential in the wage-productivity equation. A score of such industries readily come to mind: woolen goods, typewriters, sewing machines, footwear, consumer electronic goods, cotton textiles, petroleum, fishery products, lamb and beef, fruits and vegetables, hats and millinery, stainless steel flatware, copper and brass products, title, glass, pottery, bicycles, dairy products, lead and zinc, the merchant marine, etc. Some of these industries are now protected in one fashion or another. Without import quotas, subsidization, or increased tariffs we would have more than half a dozen Appalachias. Other industries remain unprotected and therefore are under the need to race with time on the mechanization front and/or investing feverishly abroad.

Under the Kennedy Round they face additional exposure.

Each industry will be different from the other; but any inquiry must explore certain factors if it is to be fruitful.

These are relative domestic and foreign wages, relative domestic and foreign productivity, stages of mechanism and the state of technology here and abroad; the degree of labor displacement already recorded, its trend, and the lag in competitiveness still remaining; the present state of imports and exports and trends of each in recent years; the growth potentials of the industry (e.g., whether the product is a *non*essential with a high potential expansion or an essential commodity with a relatively inelastic demand); age of the industry, i.e., whether of recent origin, such as a growth industry, exploiting a basic discovery or invention, sensitive to uncertainties; or established and experienced by possibly trussed in obsolete equipment and methods; the state of domestic competition, and its type in terms of source: whether intra-industry or external in the form of substitute products. Today competition from substitute products is often more intense and difficult than intra-industry sales rivalry.

PAYROLL REDUCTION THE KEY FACTOR

An equation applicable to any domestic industry that is in competitive difficulty with imports may be constructed from the foregoing examples of steel and coal. The price of achieving competitiveness must in each case take primary account of the possibility of payroll reduction however this may be accomplished.

Some will say that substitution of lower-cost materials will perform the miracle, such as replacing steel by plastics; but this overlooks the origin of the lower cost of the plastics. It lies simply in lesser expenditure of man-hours in its production. The replacement of an existing material by a cheaper one is merely another form of displacing labor. There is no objection to this procedure as such; but employment disruption may for a protracted period exceed the final benefits. The occurrence of too much labor displacement simultaneously will create a national problem. Mechanization of coal-mining and cotton-picking has provided us with sobering examples. We should avoid generating more of these lest the war on poverty be hopelessly aggravated.

THE ASSEMBLY SYSTEM

The most common production operation in this country is the assembly system, wherein parts, components and various materials are purchased for combination in the final stage of production. In such instances employee compensation in the final stage may represent a relatively low share of the total value of the product. (See the table on a succeeding page.) Yet the last stage is usually called "the industry".

In 1963, for example, the automotive industry produced $37.1 billion in the form of motor vehicles and equipment (manufacturers' price). The payroll was only $5.2 billion or 14% of the value of shipments. The assembly part of the manufacturing process added only $12.68 billion to the value of the product. Therefore employee compensation was 4% of the value added.

If all employee compensation in automobile manufacturing were traced back through all the stages of production, to the mining of iron ore, copper, etc., the rubber plantations, coal or other elements of power, transportation, plastic materials, glass-making, paint manufacturing, plant buildings, etc., it would in 1963, to repeat, have come to some 80% of the value of the finished product or some $29.7 billion of the total value of $37.1 billion, instead of 14%. In other words, most of the production, processing and fabrication and wage disbursements had already been performed before the assembling stage was reached.

EFFECT OF LOADING THE BURDEN ON ONE STAGE OF PRODUCTION

If we now assume that only 25 percent of all the employees contributing to the production of any product were concentrated in the last stage of manufacture (only some 14 percent in automobile manufacture), we can see that a 10 percent reduction in the cost of the final product would require a 50 percent payroll reduction (12½ x 4) since only a quarter of all the employees were concentrated in this last stage.

If employment in the last stage were 500,000, and if this number were only 25 percent of the total workers, no less than 250,000 workers must be eliminated to effect a 10 percent reduction in the cost of the finished product (or a 50 percent wage reduction put into effect).

Taking the U.S. Census of Manufactures for 1963 as the source of computations, the last stage of manufacture in the industries listed below had a ratio of employee compensation (payroll) to total value of shipments, as follows:

Payroll as percent of value of product	
Industry:	
Petroleum refining	5.6
Meat products	9.8
Dairies	12.4
Motor vehicles and equipment	14.0
Basic chemicals	16.3
Nonferrous metals, rolling & drawing	16.8
Yarn and thread mills	18.0
Radio and TV receiving equipment	18.7
Wool weaving and finishing mills	20.0
Synthetic weaving mills	21.3
Steel rolling and finishing	22.1
Textile finishing mills, except wool	23.2
Lumber millwork and related products	24.5
Cotton weaving mills	24.6
Cutlery, handtools, hardware	29.6
Flat glass	31.3
Electrical industrial apparatus	31.9

Payroll as percent of value of product	
Industry:	
Footwear, except rubber	32.1
Men's and boys' suits and coats	32.4
General industrial machinery	32.9
Communication equipment	37.6
Office machines, n.e.c	39.0
Scientific instruments	39.3
Metalworking machinery	40.7

The average share of the total value of the product represented by employee compensation in *all* manufacturing industries (not only those listed above), representing the last stage of production for each industry, was 23.8 percent (1963).

COMMON ERROR ABOUT "LABOR-INTENSITY"

It is a common error, of which even professional economists are guilty, to treat the share of employee compensation represented by the last stage of production in terms of its percentage of the total value of the product as indicating the labor-intensiveness of an industry. This is a wholly untenable view. All that can properly be read into a low ratio, such as is evident in petroleum refining (only 5.6 percent), is that by far the greater part of the employee compensation was paid in earlier stages of production, such as wildcatting, drilling, engineering, transportation, etc.

Thus, also, to assume that the manufacturing of motor vehicles and equipment represents a labor-sparse operation because only 14.0 percent of the value of the finished product went into employee compensation in the final stage, represents a misleading judgment. The low ratio merely means that the last stage, namely, assembly, represents a small part of the manufacturing process.

Outside of monopolistic conditions or situations in which, because of imperfect competition, an exorbitant profit can be extracted, labor costs in the aggregate share of the value of the final product, will be nearly the same, regardless of degree of mechanization. Therefore to speak of a labor-intensive industry or a labor-sparse industry, is essentially erroneous. Machine-intensive industries in buying their machinery pay all the employee compensation in the processes that invented, designed, developed and actually produced the machine, including the materials consumed, etc. It is an egregious error to treat the last stage of production as if it were the whole process of production.

In using the cost-reduction margin of 10 percent in the examples given, the purpose was to demonstrate the mathematical computations involved in ascertaining the impact of cost reduction on employment under a given set of circumstances: such as the concentration of 25 percent of the employees in the final stage of production. By use of the measure provided here (where employee compensation equals 80 percent of the final cost) other calculations can readily be made.

In a few instances the share of wages to total cost in the final stage is so small that total elimination of wages would not permit a 10-percent cost reduction. In the foregoing tabulation this would be true of petroleum products where the payroll was only 5.6 percent of the value of the product. If all wages in refineries were eliminated the total cost could not be reduced more than 80 percent of 5.6 percent or 4.5 percent.

SLOW TEMPO OF ECONOMIC ADJUSTMENT

The purpose of this analysis is to demonstrate the drastic surgery required to reduce costs of production, whether or not it is concentrated in the last stage of production.

The coal industry offers an example of the carnage demanded of the work force in a short period of time (some 10 to 15 years) when the demand for the adjustment is immediate and inexorable. Ten to 15 years in economic time is a rapid pace. Employment adjustments obey a slow clock; and if this tempo is violated the human and social wreckage may border on the catastrophic.

"AMERICANIZED" FOREIGN INDUSTRIES

Having observed this and similar events we are now in a position to appreciate the gravity of the problem facing numerous American industries built on the American system as they face competition from recently "Americanized" foreign industries. These now enjoy the benefits of mass production but are nurtured by low wages, which are not a part of the American system. Here is the threat; and to meet it calls for the brutal exaction of worker displacement as a means of achieving or holding a competitive position, such as we have witnessed.

The competitive power of American industry is enormous; but too heavy an exaction will boomerang, as it is already doing. Currently official trade statistics of the Department of Commerce conceal the extent of our decline in world markets by resort to statistical devices that are not worthy of a great Department. The fact is that the American share of exports of manufactured goods has shrunk by 20 percent since the 1954-56 period.

The huge surpluses of exports reported annually by the Department are fictitious. In terms of private, commercial competitive trade we are in a deficit position.

BLINDING EFFECT OF THE CURRENT PROSPERITY

Twenty years after the end of World War II the adjustment exacted by the growing sharpness of the new foreign competition has not run its course. Some industries have not yet come under fire. The magnitude of the problem has been hidden by the concurrence in recent times in this country of

favorable Federal tax legislation with a more benevolent attitude of government toward business. This coincidence, together with the Viet Nam involvement, led to a surge of business activity that has carried us far toward full employment. One of the effects of the buoyancy has been a blinding illusion. This effect has prevented the adjustment of our foreign trade policy to the demands of the new competitive realities.

The defect of the present trade policy is reflected by the steps that have been found necessary to preserve certain industries. These steps have been in violation of the liberal trade principles professed. Examples are import quotas on agricultural imports with heavy subsidies for maintenance of exports, restrictions of imports of petroleum, lead and zinc, dairy products, cotton textiles and a ceiling on beef imports. Survival of the merchant marine, because of its competitive handicap, depends wholly on subsidization.

A trade policy that must be violated in order to preserve the national economy is defective. As an extra dividend it promotes political favoritism, discrimination and grossly unequal application of the law.

These hearings will be more than justified if they demonstrate the need for a complete overhauling of our obsolete foreign trade policy. How many millions of workers' jobs must be sacrificed to this policy before the basic cause is fully grasped?

APPOINTMENT OF A NATIONAL COMMISSION ON LIBRARIES

The SPEAKER pro tempore. Under previous order of the House the gentleman from Rhode Island [Mr. FOGARTY] is recognized for 15 minutes.

Mr. FOGARTY. Mr. Speaker, I note with great interest the appointment by the President of a National Commission on Libraries composed of 14 distinguished Americans. This Commission under the chairmanship of Douglas M. Knight, president of Duke University, has the opportunity of making a historic contribution to the further growth and development of our Nation's libraries and information systems. Another member of the Commission is Carl Elliott, former Congressman from Alabama, and one of our outstanding colleagues, who distinguished himself, among other things, as a leading proponent of library legislation. The Commission's charge is to "appraise the role and adequacy of our libraries, now and in the future, as sources for scholarly research, as centers for the distribution of knowledge, and as links in our Nation's rapidly evolving communications network."

The pattern of existing legislation affecting library development is more comprehensive and effective than ever before. The Elementary and Secondary Education Act, the Higher Education Act, and the newly enlarged program under the Library Services and Construction Act are all aimed at improving our libraries.

I hope that the National Commission will review these programs and assess their effectiveness in terms of providing library services of excellence to all our citizens. I believe that the most effective pattern of support for libraries is a working partnership of governmental agencies at all levels. I have long believed it to be in the national interest to have the best possible network of good library services, resources, and facilities.

While I am pleased that President Johnson has once again affirmed his deep conviction in the important role of our Nation's libraries, I must voice some disappointment over the fact that the administration has not yet requested funds to implement the new titles in the Library Services and Construction Act which the Congress overwhelmingly approved in June of this year and was signed by the President on July 19, 1966. As one of the sponsors of this important legislation, I am anxious that it be funded adequately and all sections implemented promptly.

For instance, title III of Public Law 89-511 authorizes a new concept, making States eligible for grants to establish and operate networks of interlibrary cooperation.

Implementation of the Library Services and Construction Act interlibrary cooperation program will promote the systematic use of funds by libraries of all types to assure their maximum effective use. Granted, we have authorized only a modest amount—$5 million for fiscal 1967—but this will help to stimulate the sort of coordinated effort essential to progress. And all libraries will be encouraged to work together to provide more efficient services of a higher caliber.

While title IV of Library Services and Construction Act is not aimed at developing the hardware of space-age information networks, nevertheless it is an important program. Part A—State institutional library services—is aimed at serving our less fortunate fellow human beings—those leading restricted lives, for one reason or another, in our State institutions—inmates, patients, orphans, the aged. These people have very limited if any opportunity to widen their horizons or brighten their outlook with the enriching benefit of good books and other resources to serve them as tools of learning and of understanding. Public Law 89-511 authorizes $5 million for this program in 1967.

Another sector of our population which we intend to help through Library Services and Construction Act programs is the handicapped. Title IV-B will provide $3 million in fiscal 1967 for grants to the States to establish and improve library services to the physically handicapped who, because of their handicaps, are unable to use the library services ordinarily available. Again, this new program will not trigger computers for informational retrieval, but it will spark the minds of our citizens with the fresh new ideas to be gleaned from quality library service, geared to meet their particular needs.

Considering these impressive new programs which Congress has written into law, I can only reiterate my concern that funds have not yet been requested to implement the expanded Library Services and Construction Act. Surely, the Federal investment involved will reap maximum benefits. These programs will motivate creative planning as well as fiscally sound procedures for long-range objectives.

At this point I submit for the RECORD, the President's statement and the Executive order establishing the President's Committee on Libraries and the National Advisory Commission on Libraries. I am sure my colleagues share my hope that the important work of this eminent group will help to solve some of the library problems of today as well as point the way to the pacesetter programs of tomorrow:

STATEMENT BY THE PRESIDENT

Our nation is providing better education to more citizens today than ever before. The result of this expanding effort in education is a rising demand for information—and a tidal wave of new information touching every aspect of our lives: health, education, jobs, national defense, goods and services, transportation, communications and environmental use.

But merely piling up valuable new knowledge is not enough; we must apply that knowledge to bettering our lives.

In our effort to do this, we depend heavily upon the nation's libraries. For this reason, the Federal government will spend, next year, more than $600 million in the library field.

But money alone cannot do the job. We need intelligent planning and advice to see that our millions are spent well. We need to ask serious questions about the future of our libraries:

What part can libraries play in the development of our communications and information-exchange networks?

Are our Federal efforts to assist libraries intelligently administered, or are they too fragmented among separate programs and agencies?

Are we getting the most benefits for the taxpayer's dollar spent?

To help answer these questions, I have signed today an Executive Order creating the National Advisory Commission on Libraries, composed of distinguished citizens and experts.

I have asked the Commission to appraise the role and adequacy of our libraries, now and in the future, as sources for scholarly research, as centers for the distribution of knowledge, and as links in our nation's rapidly evolving communications networks.

I have also asked the Commission to evaluate policies, programs and practices of public agencies and private organizations—and to recommend actions which might be taken by public and private groups to ensure an effective, efficient library system for the nation.

I believe that this new Commission, aided by public and private efforts, will bring real advances in our progress toward adequate library service for every citizen.

Dr. Douglas Knight, president of Duke University in Durham, N.C., will serve as the Commission chairman.

The other members are:

Verner Clapp, President, Council on Library Resources

Herman Fussler, Library, University of Chicago

Carl Overhage, M.I.T., Cambridge, Massachusetts

Theodore Waller, President, Teaching Materials Corporation, New York

Wilbur Schramm, Director, Institute for Communication Research, Stanford University,

Launor Carter, Senior Vice President, Systems Development Corporation, Santa Monica

Caryl Haskins, Carnegie Institution, Washington, D.C.

William N. Hubbard, Jr., Dean, University of Michigan Medical School and Chairman, EDUCOM

Alvin Eurich, President, Aspen Institute for Humanistic Studies, Colorado

Stephen Wright, former President of Fisk University, Nashville, Tennessee

Harry Ransom, Chancellor, University of Texas, Austin

Carl Elliott, former Congressman from Alabama

Estelle Brodman, Medical Library, Washington University, St. Louis, Missouri

EXECUTIVE ORDER ESTABLISHING THE PRESIDENT'S COMMITTEE ON LIBRARIES AND THE NATIONAL ADVISORY COMMISSION ON LIBRARIES

By virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. Establishment of Committee. (a) There is hereby established the President's Committee on Libraries (hereinafter referred to as the "Committee").

(b) The membership of the Committee shall consist of the Secretary of Health, Education, and Welfare, who shall be the Chairman of the Committee, the Secretary of Agriculture, the Director of the Office of Science and Technology, and the Director of the National Science Foundation, and may include, in addition, the Librarian of Congress who is hereby invited to be a member of the Committee. Each member of the Committee may designate an alternate, who shall serve as a member of the Committee whenever the regular member is unable to attend any meeting of the Committee.

SEC. 2. Duties of the Committee. (a) The Committee shall:

(1) Appraise the role of libraries as resources for scholarly pursuits, as centers for the dissemination of knowledge, and as components of the Nation's rapidly evolving communications and information-exchange network;

(2) Evaluate policies, programs, and practices of public agencies and private institutions and organizations with reference to maximum effective and efficient use of the Nation's library resources; and

(3) Develop recommendations for action by Government or by private institutions and organizations designed to ensure an effective and efficient library system for the Nation.

(b) Such recommendations shall take into account the final report of the National Advisory Commission on Libraries established by Section 3 of this order, which report shall be transmitted to the President with the recommendations of the Committee.

SEC. 3. Establishment of Commission. (a) To assistant the Committee in carrying out its functions under Section 2 of this order, there is hereby established the National Advisory Commission on Libraries (hereinafter referred to as the "Commission").

(b) The Commission shall be composed of not more than twenty members appointed by the President, none of whom shall be officers or full-time employees of the Federal Government. The President shall designate the Chairman of the Commission from among its members.

(c) The Commission shall meet on call of the Chairman.

(d) Each member of the Commission may be compensated for each day such member is engaged upon work of the Commission, and shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 55a; 5 U.S.C. 73b-2) for persons in the Government service employed intermittently.

SEC. 4. Duties of the Commission. (a) The Commission shall transmit to the Committee its independent analysis, evaluation, and recommendations with respect to all matters assigned to the Committee for study and recommendations.

(b) In carrying out its duties under subsection (a), above, the Commission shall:

(1) Make a comprehensive study and appraisal of the role of libraries as resources for scholarly pursuits, as centers for the dissemination of knowledge, and as components of the evolving national information systems;

(2) Appraise the policies, programs, and practices of public agencies and private institutions and organizations, together with other factors, which have a bearing on the role and effective utilization of libraries;

(3) Appraise library funding, including Federal support of libraries, to determine how funds available for the construction and support of libraries and library services can be more effectively and efficiently utilized; and

(4) Develop recommendations for action by Government or private institutions and organizations designed to ensure an effective and efficient library system for the Nation.

(c) The Commission shall submit its final report and recommendations to the Committee no later than one year after the date of its first meeting, and shall make such interim reports as it deems appropriate for improving the utilization of library resources.

SEC. 5. Federal departments and agencies. (a) The Committee or the Commission is authorized to request from any Federal department or agency any information deemed necessary to carry out its functions under this order; and each department or agency is authorized, consistent with law and within the limits of available funds, to furnish such information to the Committee or the Commission.

(b) Each department or other executive agency the head of which is named in Section 1(b) of this order shall, as may be necessary, furnish assistance to the Committee or the Commission in accordance with the provisions of Section 214 of the Act of May 3, 1945 (59 Stat. 134; 31 U.S.C. 691), or as otherwise permitted by law.

(c) The Department of Health, Education, and Welfare is hereby designated as the agency which shall provide administrative services for the Commission.

SEC. 6. Termination of the Committee and the Commission. The Committee and the Commission shall terminate ninety days after the final report of the Commission is submitted to the Committee.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *Sept. 2, 1966.*

THE GREEN THUMB PROGRAM

The SPEAKER pro tempore. Under previous order of the House the gentleman from Maryland [Mr. SICKLES] is recognized for 15 minutes.

Mr. SICKLES. Mr. Speaker, when Congress last year enacted the medicare program, it was the most dramatic and sweeping step ever taken by our Government in behalf of the elderly. But as helpful as it is, a program like medicare does not meet the most pressing need of the elderly—a way to spend time constructively and meaningfully.

A program that does help to meet this need is "green thumb," which is part of the war on poverty. It is designed both to put the poor, retired farmer to work beautifying our highways, and at the same time to teach him, in the course of this work, to be a professional nurseryman.

Any retired farmer or farmworker over 55, needing a job and currently living on a poverty income can qualify for the program, provided he meets certain physical requirements. While on the job, he performs such tasks as planting new flowers and trees, weeding flower beds, trimming shrubbery, picking up rubbish, and setting up roadside parks. The work is coordinated and directed by the highway departments of the participating States.

The green thumb farmer works a full 8-hour day, but he is restricted to 3 days a week. However, since he is paid at least $1.25 per hour, he can earn approximately $1,500 a year, which is the maximum that any one person can earn under this program. And $1,500 can be extremely meaningful to many retired farmers now living on subsistence incomes.

The actual work is probably the most essential part of the program, for it helps the participant to realize that he is not simply the recipient of a charity program, nor is he just being given "make work."

The first segment of the program is a combination of training and work. Once the farmer has mastered the nursery techniques involved, he spends full time, while on the job, out on the highways and byways. Then, when the green thumb farmer has completed his work program, he is given counseling on the type of jobs that are available to him, and helped to find appropriate employment. Those who would like to establish their own businesses are given advice on the steps that should be followed. In addition, workers are allowed to keep the tools they used during their green thumb tenure, and these help to get them started in their new business or job.

Green thumb was begun early this year on a pilot project basis; because of its success it will soon become a regular part of the war on poverty. When plans were being laid for the pilot program, the opportunity to participate was offered to a few, selected States.

Maryland could profit tremendously from such a program. Not only would it provide significant assistance to a large number of the retired farmers living in Maryland, but it could help tremendously in improving the beauty of our highways.

For example, beautifying efforts along old U.S. 1, between Baltimore and Washington, along Routes 50 and 13 on the Eastern Shore, and along Route 40 running from the eastern to the western borders of the State would do a lot to make these areas more attractive to the visiting tourist, as well as making them more attractive to our fulltime residents.

Other States have taken advantage of the green thumb program to beautify the beltways surrounding their major cities. Similar work might also be performed on the Baltimore Beltway and the Maryland portion of the Washington Beltway. Those trained through work on the latter, once they had completed their green thumb experience, could help to meet the demand for gardeners in the Washington metropolitan area.

Another practical use of the green thumb workers would be to develop State parkways in the Potomac Basin, which in turn would attract tourists.

As Mrs. Lyndon Johnson has pointed out, the green thumb program offers a marvelous opportunity to provide "poor, older farmers with useful employment, and at the same time beautify our highways for the benefit of all people."

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to:

Mr. RONCALIO, for the week of September 12, 1966, on account of official business.

Mr. BYRNE of Pennsylvania (at the request of Mr. MOSS), for Monday, September 12, 1966, on account of official business.

Mr. COOLEY (at the request of Mr. MOSS), for today, on account of official business.

Mr. PEPPER (at the request of Mr. MOSS), for today, on account of official business.

Mr. FULTON of Pennsylvania (at the request of Mr. GERALD R. FORD) for September 12 and 13, 1966, to attend a meeting in New York City of the United Nations Committee on Peaceful Uses of Outer Space which is concluding negotiations for a treaty among 28 nations to ban orbiting of nuclear weapons and weapons of mass destruction in outer space.

Mr. PELLY (at the request of Mr. GERALD R. FORD), for the week of September 12, 1966, on account of official business.

Mr. MCMILLAN (at the request of Mr. WAGGONNER), for the remainder of the week, on account of official business.

Mrs. MAY (at the request of Mr. GERALD R. FORD), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. BUCHANAN, for 30 minutes, today; to revise and extend his remarks and to include extraneous matter.

(The following Members (at the request of Mr. KLUCZYNSKI) to revise and extend their remarks and to include extraneous matter:)

Mr. DENT, for 30 minutes, today.

Mr. FOGARTY, for 15 minutes, today.

Mr. SICKLES, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks was granted to:

Mr. KEE to revise and extend his remarks and to include extraneous matter.

Mr. ST. ONGE.

Mr. REUSS.

(The following Members (at the request of Mrs. REID of Illinois) and to include extraneous matter:)

Mr. BERRY in two instances.

Mr. BRAY.

(The following Members (at the request of Mr. KLUCZYNSKI) and to include extraneous matter:)

Mr. BLATNIK.

Mr. JOELSON.

Mr. CALLAN.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3625. An act to designate the dam being constructed on the Allegheny River, Pa., as the "Kinzua Dam," and the lake to be formed by such dam in Pennsylvania and New York as the "Allegheny Reservoir"; to the Committee on Public Works.

BILLS PRESENTED TO THE THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on September 9, 1966 present to the President, for his approval, bills of the House of the following titles:

H.R. 1066. An act to amend section 11-1701 of the District of Columbia Code to increase the retirement salaries of certain retired judges;

H.R. 8058. An act to amend section 4 of the District of Columbia Income and Franchise Tax Act of 1947;

H.R. 10823. An act relating to credit life insurance and credit health and accident insurance with respect to student loans;

H.R. 11087. An act to amend the District of Columbia Income and Franchise Tax Act of 1947, as amended, and the District of Columbia Business Corporation Act, as amended, with respect to certain foreign corporations;

H.R. 14205. An act to declare the Old Georgetown Market a historic landmark and to require its preservation and continued use as a public market, and for other purposes;

H.R. 14379. An act for the relief of John R. McKinney; and

H.R. 15750. An act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

ADJOURNMENT

Mr. KLUCZYNSKI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 40 minutes p.m.) the House adjourned until tomorrow, Tuesday, September 13, 1966, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2719. A communication from the President of the United States, transmitting amendments to the budget for the fiscal year 1967 for the Small Business Administration (H. Doc. No. 493); to the Committee on Appropriations and ordered to be printed.

2720. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated July 13, 1966, submitting a report, together with accompanying papers and illustrations, on a review of the reports on Newark Bay, Hackensack and Passiac Rivers, N.J., requested by a resolution of the Committee on Public Works, U.S. Senate, adopted June 14, 1960, and two resolutions of the Committee on Public Works, House of Representatives, adopted July 31, 1957, and August 15, 1961 (H. Doc. No. 494); to the Committee on Public works and ordered to be printed with illustrations.

2721. A letter from the Assistant Secretary of the Interior, transmitting a copy of an application by the Settlement Canyon Irrigation Co., of Tooele, Utah, for a supplemental loan, pursuant to the provisions of 71 Stat. 48; to the Committee on Interior and Insular Affairs.

2722. A letter from the Acting Assistant Secretary of Defense, transmitting a report of implementation of section 511(b) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

2723. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report on the use of funds to provide additional research laboratory space at the University of Washington, Seattle, Wash.; to the Committee on Science and Astronautics.

2724. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report on the use of funds to provide additional research laboratory space at the University of Wisconsin, Madison, Wis.; to the Committee on Science and Astronautics.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, pursuant to the order of the House of September 7, 1966, the following bill was reported on September 9, 1966:

Mr. NATCHER: Committee on Appropriations. H.R. 17636. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1967, and for other purposes (Rept. No. 2019). Referred to the Committee of the Whole House on the State of the Union.

Under clause 2 of rule XIII, pursuant to the order of the House of September 8, 1966, the following bills were reported on September 9, 1966:

Mr. SIKES: Committee on Appropriations. H.R. 17637. A bill making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1967, and for other purposes (Rept. No. 2020). Referred to the Committee of Whole House on the State of the Union.

Mr. BLATNIK: Committee on Public Works. H.R. 16076. A bill to amend the Federal Water Pollution Control Act in order to improve and make more effective certain programs pursuant to such act; with amendment (Rept. No. 2021). Referred to the Committee of the Whole House on the State of the Union.

[*Submitted September 12, 1966*]

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BARING: Committee on Interior and Insular Affairs. H.R. 13955. A bill to authorize the Secretary of the Interior to grant patents to certain lands under the provisions of the Color of Title Act; with amendment (Rept. No. 2038). Referred to the Committee of the Whole House on the State of the Union.

Mr. CHELF: Committee on the Judiciary. H.R. 825. A bill to repeal the "cooly trade" laws (Rept. No. 2039). Referred to the Committee of the Whole House on the State of the Union.

Mr. MCCLORY: Committee on the Judiciary. S. 1356. An act to amend the Judicial Code to permit Indian tribes to maintain civil actions in Federal district courts without regard to the $10,000 limitation, and other purposes (Rept. No. 2040). Referred to the Committee of the Whole House on the State of the Union.

Mr. RIVERS of Alaska: Committee on Interior and Insular Affairs. S. 3261. An act

to authorize the Secretary of the Interior to convey certain lands in the State of Maine to the Mount Desert Island Regional School District (Rept. No. 2041). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of New York: Committee on the Judiciary. H.R. 14819. A bill for the relief of Mr. and Mrs. William Nussbaum; with amendment (Rept. No. 2022). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 16977. A bill for the relief of Eugene G. Peterson, Harry E. Byers, and Russell W. Jordan (Rept. No. 2023). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 17259. A bill for the relief of Dino J. Caterini (Rept. No. 2024). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 17260. A bill for the relief of Robert A. Jellison (Rept. No. 2025). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 17261. A bill for the relief of Augustus J. Theodore (Rept. No. 2026). Referred to the Committee of the Whole House.

Mr. PATMAN: Committee on Banking and Currency. H.R. 13612. A bill to permit Edward C. Bower to serve as a director of the Virgin Islands National Bank prior to his obtaining U.S. citizenship (Rept. No. 2027). Referred to the Committee of the Whole House.

Mr. RODINO: Committee on the Judiciary. H.R. 3526. A bill for the relief of Dr. Eric J. Lazaro (Rept. No. 2028). Referred to the Committee of the Whole House.

Mr. GILBERT: Committee on the Judiciary. H.R. 3530. A bill for the relief of Dr. Miguel Angel Martinez y Corpas (Rept. No. 2029). Referred to the Committee of the Whole House.

Mr. CAHILL: Committee on the Judiciary. H.R. 3531. A bill for the relief of Dr. Julio Cesar Muñiz y Sotolongo (Rept. No. 2030). Referred to the Committee of the Whole House.

Mr. MOORE: Committee on the Judiciary. H.R. 6115. A bill for the relief of Dr. Jose A. G. Mendoza, Rosa Centurion Mendoza, Rosa Maria Mendoza, Jose Antonio Mendoza, Raimundo Mendoza, and Ernesto Mendoza; with amendments (Rept. No. 2031). Referred to the Committee of the Whole House.

Mr. MOORE: Committee on the Judiciary. H.R. 7579. A bill for the relief of Dr. Emilio V. Soto; with amendment (Rept. No. 2032). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. H.R. 10288. A bill for the relief of Dr. Antonio B. Santillano (Rept. No. 2033). Referred to the Committee of the Whole House.

Mr. MOORE: Committee on the Judiciary. H.R. 11516. A bill for the relief of Dr. Luis Anglo (Rept. No. 2034). Referred to the Committee of the Whole House.

Mr. RODINO: Committee on the Judiciary. H.R. 13192. A bill for the relief of Nermin Demirbag Lavapies (Rept. No. 2035). Referred to the Committee of the Whole House.

Mr. RODINO: Committee on the Judiciary. H.R. 14984. A bill for the relief of Renato Camacho Castro; with amendment (Rept. No. 2036). Referred to the Committee of the Whole House.

Mr. JOHNSON of California: Committee on Interior and Insular Affairs. H.R. 3104. A bill to remove a cloud on title to certain lands in California; with amendment (Rept. No. 2037). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, pursuant to the order of the House of September 7, 1966, the following bill was introduced on September 9, 1966:

By Mr. NATCHER:

H.R. 17636. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1967, and for other purposes.

Under clause 4 of rule XXII, pursuant to the order of the House of September 8, 1966, the following bill was introduced on September 9, 1966:

By Mr. SIKES:

H.R. 17637. A bill making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1967, and for other purposes.

[*Submitted September 12, 1966*]

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. KEE:

H.R. 17638. A bill to require health insurance policies sold in interstate commerce to provide payment for health services performed by dentists if the same services, if performed by doctors, are covered under the terms of the policies; to the Committee on the Judiciary.

By Mr. ASHLEY:

H.R. 17639. A bill to amend the Federal Water Pollution Control Act to authorize certain research grants for prevention of industrial water pollution; to the Committee on Public Works.

By Mr. BROWN of California:

H.R. 17640. A bill to provide additional readjustment assistance to veterans who served in the Armed Forces during the Vietnam era, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 17641. A bill to amend the Internal Revenue Code of 1954 to provide that the costs of education or training shall be deductible as trade or business expenses when incurred in order to obtain a new or better job, as well as when incurred in order to maintain existing skills, status, salary, or employment; to the Committee on Ways and Means.

By Mr. CRAMER:

H.R. 17642. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. DENT:

H.R. 17643. A bill to amend the Internal Revenue Code of 1954 with respect to the income tax treatment of business development corporations; to the Committee on Ways and Means.

By Mr. DYAL:

H.R. 17644. A bill to designate the third Sunday in October of each year as Foster Parents Day, and for other purposes; to the Committee on the Judiciary.

H.R. 17645. A bill to amend section 612 of title 18, United States Code, relating to the publication or distribution of political statements, in order to require more complete identification of persons responsible for publishing political statements, and for other purposes; to the Committee on the Judiciary.

H.R. 17646. A bill to amend the Internal Revenue Code of 1954 so as to allow an additional income tax exemption for a dependent who is mentally retarded; to the Committee on Ways and Means.

By Mr. FASCELL:

H.R. 17647. A bill to authorize the establishment of the Biscayne National Monument in the State of Florida, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HARSHA:

H.R. 17648. A bill to amend the Appalachian Regional Development Act of 1965 to permit States to construct certain highways in advance of availability of Federal funds; to the Committee on Public Works.

By Mr. HARVEY of Indiana:

H.R. 17649. A bill to amend the Rural Electrification Act of 1936, as amended, the Agricultural Marketing Act of 1929, as amended, and the Farm Credit Act of 1933, as amended, to provide additional sources of financing for the rural electrification program, and for other purposes; to the Committee on Agriculture.

By Mr. HUNGATE:

H.R. 17650. A bill to provide additional readjustment assistance to veterans who served in the Armed Forces during the Vietnam era, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. KEOGH:

H.R. 17651. A bill to amend the Internal Revenue Code of 1954 with respect to the income tax treatment of business development corporations; to the Committee on Ways and Means.

By Mr. McDADE:

H.R. 17652. A bill to amend the Internal Revenue Code of 1954 with respect to the income tax treatment of business development corporations; to the Committee on Ways and Means.

By Mr. MURPHY of New York:

H.R. 17653. A bill to amend the Federal Water Pollution Control Act in order to improve and make more effective certain programs pursuant to such act; to the Committee on Public Works.

By Mr. POLANCO-ABREU:

H.R. 17654. A bill to amend the Social Security Act to provide a gradual increase in the maximum amount of the total payments which may be made to the Commonwealth of Puerto Rico in any fiscal year under the several public assistance programs; to the Committee on Ways and Means.

By Mr. PRICE:

H.R. 17655. A bill to amend the Internal Revenue Code of 1954 to allow teachers to deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education and including certain travel; to the Committee on Ways and Means.

By Mr. ST. ONGE:

H.R. 17656. A bill to amend the Internal Revenue Code of 1954 to allow teachers to deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education and including certain travel; to the Committee on Ways and Means.

By Mr. SICKLES:

H.R. 17657. A bill to authorize the establishment and operation by Gallaudet College of a model secondary school for the deaf to serve the National Capital region; to the Committee on Education and Labor.

By Mr. TEAGUE of California:

H.R. 17658. A bill to provide for the striking of medals in commemoration of the U.S. Naval Construction Battalions (Seabees) 25th anniversary and the U.S. Navy Civil Engineer Corps (CEC) 100th anniversary; to the Committee on Banking and Currency.

By Mr. BURKE:

H.R. 17659. A bill to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CONABLE:

H.R. 17660. A bill to authorize the Administrator of Veterans' Affairs to convey certain real property to the city of Batavia, N.Y.; to the Committee on Veterans' Affairs.

By Mr. CRAMER:

H.R. 17661. A bill to amend the act of September 30, 1961 (75 Stat. 732); to the Committee on the Judiciary.

By Mr. DINGELL:

H.R. 17662. A bill to amend the Land and Water Conservation Fund Act of 1965 to authorize the use of money allocated for Federal purposes for easements for public access; to the Committee on Interior and Insular Affairs.

By Mr. SCHMIDHAUSER:

H.R. 17663. A bill to protect the employees of the executive branch of the U.S. Government in the employment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy: to the Committee on Post Office and Civil Service.

By Mr. HUTCHINSON:

H. Con. Res. 1004. Concurrent resolution to urge negotiation under the General Agreement on Tariffs and Trade, article 28, for relief of tariff on machines used in making pulp, paper, and paperboard; to the Committee on Ways and Means.

By Mr. MADDEN:

H. Con. Res. 1005. Concurrent resolution expressing the sense of the Congress with respect to certain proposed regulations of the Food and Drug Administration relating to the labeling and contents of diet foods and diet supplements; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 17664. A bill for the relief of Giuseppe Palmeri; to the Committee on the Judiciary.

H.R. 17665. A bill for the relief of Enrique Yong, also known as Mui Po Yeung; to the Committee on the Judiciary.

By Mr. BENNETT:

H.R. 17666. A bill for the relief of Murray F. Wittichen, Jr.; to the Committee on the Judiciary.

By Mr. BRADEMAS:

H.R. 17667. A bill for the relief of Ioannes Panagiotis Tsagaris; to the Committee on the Judiciary.

By Mr. DYAL:

H.R. 17668. A bill for the relief of Fred A. Altstadt; to the Committee on the Judiciary.

By Mr. MURPHY of Illinois:

H.R. 17669. A bill for the relief of Demetrios C. Katsanis; to the Committee on the Judiciary.

By Mr. SENNER:

H.R. 17670. A bill for the relief of certain individuals; to the Committee on the Judiciary.

SENATE

MONDAY, SEPTEMBER 12, 1966

(Legislative day of Wednesday, September 7, 1966)

The Senate met at 12 o'clock meridian, on the expiration of the recess, and was called to order by Hon. DANIEL K. INOUYE, a Senator from the State of Hawaii.

Rev. Charles F. Kirkley, minister, St. Paul's Methodist Church, Kensington, Md., offered the following prayer:

Eternal God, whose spirit strives to create an expression point for Thy love and goodness in each of us, forgive us when by intent or indifference we have dimmed Thy light, distorted Thy truth, or perverted Thy love. Our thoughts turn to Thee on this occasion, not as a perfunctory performance or a tribute to protocol, but out of a deep sense of need for divine guidance and help.

Be with these Members of the U.S. Senate, who bear such heavy responsibilities for the affairs of state. In their anguish, may they find in Thee their quietness; in their perplexities, may they find in Thee their certainty; in their weakness, may they find in Thee their strength. Use their abilities and talents to weave the threads of human affairs into the fabric of Thy will for society. Save them from the timidity that shies away from truth, the stupor that arises from half-truths, and the arrogance that claims a monopoly on all truth.

Make them the instruments of righteousness in Thy hands, and may they so conduct the affairs of government that future generations may rise up to call them blessed. Through them may Thy will be done and Thy kingdom come, now and forevermore. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., September 12, 1966.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. DANIEL K. INOUYE, a Senator from the State of Hawaii, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

Mr. INOUYE thereupon took the chair as Acting President pro tempore.

CALL OF THE ROLL

The ACTING PRESIDENT pro tempore. The Senate having recessed under a previous order in the absence of a quorum, the Chair directs the clerk to call the roll to ascertain the presence of a quorum.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 251 Leg.]

Aiken	Hart	Morse
Bass	Holland	Mundt
Bennett	Inouye	Murphy
Boggs	Jackson	Muskie
Burdick	Javits	Nelson
Cannon	Jordan, N.C.	Prouty
Carlson	Kuchel	Proxmire
Church	Lausche	Randolph
Dirksen	Long, La.	Robertson
Dodd	Mansfield	Stennis
Ellender	McGee	Symington
Fong	McGovern	Young, N. Dak.
Fulbright	Mondale	

Mr. LONG of Louisiana. I announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Pennsylvania [Mr. CLARK], the Senator from Alaska [Mr. GRUENING], the Senator from Indiana [Mr. HARTKE], the Senator from Missouri [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from Montana [Mr. METCALF], the Senator from Rhode Island [Mr. PASTORE], and the Senator from New Jersey [Mr. WILLIAMS] are absent on official business.

I also announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Nevada [Mr. BIBLE], the Senator from Maryland [Mr. BREWSTER], the Senator from West Virginia [Mr. BYRD], the Senator from Illinois [Mr. DOUGLAS], the Senator from Mississippi [Mr. EASTLAND], the Senator from North Carolina [Mr. ERVIN], the Senator from Tennessee [Mr. GORE], the Senator from Oklahoma [Mr. HARRIS], the Senator from Arizona [Mr. HAYDEN], the Senator from Alabama [Mr. HILL], the Senator from New York [Mr. KENNEDY], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from New Hampshire [Mr. MCINTYRE], the Senator from New Mexico [Mr. MONTOYA], the Senator from Utah [Mr. MOSS], the Senator from Oregon [Mrs. NEUBERGER], the Senator from Rhode Island [Mr. PELL], the Senator from Connecticut [Mr. RIBICOFF], the Senator from South Carolina [Mr. RUSSELL], the Senator from Georgia [Mr. RUSSELL], the Senator from Florida [Mr. SMATHERS], the Senator from Alabama [Mr. SPARKMAN], the Senator from Georgia [Mr. TALMADGE], and the Senator from Maryland [Mr. TYDINGS] are necessarily absent.

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT], the Senators from Kentucky [Mr. COOPER and Mr. MORTON], the Senator from New Hampshire [Mr. COTTON], the Senator from Nebraska [Mr. CURTIS], the Senator from Arizona [Mr. FANNIN], the Senator from Michigan [Mr. GRIFFIN], the Senator from Idaho [Mr. JORDAN], the Senator from Iowa [Mr. MILLER], the Senator from Kansas [Mr. PEARSON], the Senator from Massachusetts [Mr. SALTONSTALL], the Senator from Wyoming [Mr. SIMPSON], the Senator from South Carolina [Mr. THURMOND], and the Senator from Texas [Mr. TOWER] are necessarily absent.

The Senator from New Jersey [Mr. CASE] is detained on official business.

The PRESIDING OFFICER (Mr. BASS in the chair). A quorum is not present.

Mr. MANSFIELD. 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 Montana.

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:

Bayh	Kennedy, Mass.	Williams, Del.
Byrd, Va.	McCarthy	Yarborough
Dominick	Monroney	Young, Ohio
Hickenlooper	Scott	
Hruska	Smith	

The PRESIDING OFFICER. A quorum is present.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the Journal of the proceedings of Friday, September 9, 1966, was approved.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

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

On September 9, 1966:

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. 3005. An act to provide for a coordinated national safety program and establishment of safety standards for motor vehicles in interstate commerce to reduce accidents involving motor vehicles and to reduce the deaths and injuries occurring in such accidents; and

S. 3052. An act to provide for a coordinated national highway safety program through financial assistance to the States to accelerate highway traffic safety programs, and for other purposes.

On September 10, 1966:

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

INTERNATIONAL CONVENTION ON LOAD LINES—REMOVAL OF INJUNCTION OF SECRECY

Mr. WILLIAMS of New Jersey. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from Executive S, 89th Congress, 2d session, the International Convention on Load Lines, transmitted to the Senate today by the President of the United States, and that the convention, together with the President's message, be referred to the Committee on Foreign Relations, and that the President's message be printed in the RECORD.

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

The message from the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to acceptance of the International Convention on Load Lines, 1966, signed for the United States at London on April 5, 1966, I transmit herewith a certified copy of that convention. I transmit also the report of the Secretary of State with respect to the convention, accompanied by the Official Report of the U.S. Delegation to the International Conference on Load Lines, 1966, held in London, March 3–April 5, 1966, recommending early acceptance of the convention by the United States.

The 1966 Load Line Convention establishes new uniform rules concerning the limits to which ships on international voyages may be loaded. Its purpose is to bring international load line regulations into accord with modern developments and techniques in ship construction. Since 1930, when the existing Load Line Convention was signed, there have been significant changes and improvements in ship design and a general increase in the size of ships. In many cases deeper loading of ships can now be safely permitted.

The new convention should bring improvements in safety of ships as well as in the economics of shipping. I therefore recommend that the Senate give it early and favorable consideration.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *September 12, 1966.*

EXECUTIVE COMMUNICATIONS, ETC.

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

ADDITIONAL RESEARCH LABORATORY SPACE AT UNIVERSITY OF WASHINGTON, SEATTLE, WASH.

A letter from the Administrator, National Aeronautics and Space Administration, Washington, D.C., transmitting, pursuant to law, a report on the use of funds to provide additional research laboratory space at the University of Washington, Seattle, Wash. (with an accompanying report); to the Committee on Aeronautical and Space Sciences.

ADDITIONAL RESEARCH LABORATORY SPACE AT UNIVERSITY OF WISCONSIN, MADISON, WIS.

A letter from the Administrator, National Aeronautics and Space Administration, Washington, D.C., transmitting, pursuant to law, a report on the use funds to provide additional research laboratory space at the University of Wisconsin, Madison, Wis. (with an accompanying report); to the Committee on Aeronautical and Space Sciences.

REPORT ON OVEROBLIGATION OF AN APPROPRIATION

A letter from the Director, Bureau of the Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the Department of the Interior for "Management of lands and resources," Bureau of Land Management, for the fiscal year 1967, had been reapportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on potential savings through improved utilization of space available on administrative military aircraft, Department of the Air Force, dated September 1966 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on review of change orders and other matters relating to the construction of District of Columbia Stadium, District of Columbia Armory Board, dated August 1966 (with an accompanying report); to the Committee on Government Operations.

PRESERVATION OF TREES WITHIN THE BOUNDARIES OF THE PROPOSED REDWOOD NATIONAL PARK

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to preserve the trees within the boundaries of the proposed Redwood National Park until Congress has had an opportunity to determine whether the park should be established (with accompanying papers); to the Committee on Interior and Insular Affairs.

RESOLUTION OF THE MASSACHUSETTS GENERAL COURT

Mr. KENNEDY of Massachusetts. Mr. President, on behalf of the senior Senator from Massachusetts [Mr. SALTONSTALL] and myself, I send to the desk a certified copy of a resolution from the Massachusetts General Court memorializing the Congress of the United States to increase the amount of contribution under the Federal Water Pollution Control Act by the Federal Government to municipalities constructing pollution-control projects.

I ask that this resolution be appropriately referred.

The PRESIDING OFFICER. The resolution will be appropriately referred; and, under the rule, the resolution will be printed in the RECORD.

The resolution was referred to the Committee on Public Works, as follows:

RESOLUTION OF THE COMMONWEALTH OF MASSACHUSETTS

Resolution memorializing the Congress of the United States to increase the amount of contribution under the Federal Water Pollution Control Act by the Federal Government to municipalities constructing pollution control projects

Resolved, That the General Court of Massachusetts respectfully urges the Congress of the United States to amend the Federal Water Pollution Control Act by providing that the contribution of the Federal Government to municipalities constructing water pollution control facilities be increased to an amount equal to forty per cent of the estimated reasonable cost of such facilities.

House of Represenatives, adopted August 31, 1966.

WILLIAM C. MAIERS,
Clerk.

Senate, adopted in concurrence, September 1, 1966.

THOMAS A. CHADWICK,
Clerk.

A true copy.
Attest:

KEVIN H. WHITE,
Secretary of the Commonwealth.

BILL INTRODUCED

A bill was introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NELSON:

S. 3821. A bill for the relief of Haralampos Alexiou; to the Committee on the Judiciary.

CIVIL RIGHTS ACT OF 1966—AMENDMENTS

AMENDMENTS NOS. 891 THROUGH 928

Mr. EASTLAND submitted 38 amendments, intended to be proposed by him, to the bill (H.R. 14765), to assure nondiscrimination in Federal and State jury selection and service, to facilitate the desegregation of public education and other public facilities, to provide judicial relief against discriminatory housing practices, to prescribe penalties for certain acts of violence or intimidation, and for other purposes, which were ordered to lie on the table and to be printed.

ADDITIONAL COSPONSOR OF RESOLUTION

Mr. McGOVERN. Mr. President, I ask unanimous consent that, at its next

printing, my name be added as a cosponsor of the resolution (S. Res. 300) to express sense of Senate with respect to troop deployment in Europe.

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

NOTICE OF HEARINGS ON H.R. 16114 BY SUBCOMMITTEE ON RETIREMENT

Mr. McGEE. Mr. President, I wish to announce that public hearings have been scheduled on H.R. 16114 before the Subcommittee on Retirement of the Committee on Post Office and Civil Service, to be held in room 6202 of the New Senate Office Building on Friday, September 23, 1966, at 10 a.m. This legislation would permit the inclusion of certain premium compensation in determining annual compensation for purposes of the Civil Service Retirement Act and the Federal Employees' Group Life Insurance Act. Persons wishing to testify on this measure may arrange to do so by contacting the committee at telephone No. 225-5451.

LIMITATION ON STATEMENTS DURING THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate have a brief period for the transaction of routine morning business, with statements limited to 3 minutes, and that the unfinished business not be displaced.

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

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to consider executive business.

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 MESSAGES REFERRED

The PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

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

The PRESIDING OFFICER. If there be no reports of committees, the clerk will state the nominations on the Executive Calendar.

FEDERAL POWER COMMISSION

The legislative clerk read the nomination of John A. Carver, Jr., of Idaho, to be a member of the Federal Power Commission for term expiring June 22, 1968.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. MANSFIELD subsequently said: Mr. President, I ask unanimous consent that the action of the Senate in confirming the nomination of John A. Carver, Jr., as a member of the Federal Power Commission, be rescinded, and that that nomination be placed on the Executive Calendar and passed over.

The PRESIDING OFFICER. Without objection, the nomination will be reconsidered and placed on the calendar.

U.S. ARMY

The legislative clerk read the nomination of Gen. Paul DeWitt Adams to be a general on the retired list.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

U.S. NAVY

The legislative clerk read the nomination of Rear Adm. Allen M. Shinn to be a vice admiral.

The PRESIDING OFFICER. Without objection the nomination is confirmed.

ATOMIC ENERGY COMMISSION

The legislative clerk read the nomination of Carl Walske, of New Mexico, to be Chairman of the Military Liaison Committee to the Atomic Energy Commission.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

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.

COMMITTEE MEETING DURING SENATE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Subcommittee on Antitrust and Monopoly of the Committee on the Judiciary was authorized to meet during the session of the Senate today.

UNANIMOUS-CONSENT AGREEMENT—CONFERENCE REPORT ON H.R. 13712, THE MINIMUM WAGE BILL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on Wednesday, September 14, 1966, during the further consideration of H.R. 13712, the conference report on the minimum wage bill, debate shall commence at 3 p.m. on the question of agreeing to the conference report, and shall be limited to not more than 3 hours on that question, the time to be equally divided between and controlled by the senior Senator from Texas [Mr. YARBOROUGH] and the junior Senator from Vermont [Mr. PROUTY], or whomever they may designate.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD subsequently said: Mr. President, I ask unanimous consent to modify the previous unanimous-consent request concerning the conference report on the minimum wage bill, so that, instead of the junior Senator from Vermont [Mr. PROUTY] being in charge of the opposition, the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN] be assigned that task.

The PRESIDING OFFICER. Without objection, the order will be so modified.

The unanimous-consent agreement, subsequently reduced to writing, is as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That beginning at 3 o'clock p.m. on Wednesday, September 14, 1966, during the further consideration of H.R. 13712, the conference report on the minimum wage bill, debate on the adoption of the conference report shall be limited not to exceed 3 hours with the time to be equally divided and controlled by the Senator from Texas [Mr. YARBOROUGH] and the minority leader [Mr. DIRKSEN].

Ordered further, That immediately following the disposition of the conference report on H.R. 13712, the minimum wage bill, instead of the time prescribed by rule XXII, the Senate shall proceed to vote on the cloture motion to bring to a close the debate on the motion to take up H.R. 14765, to assure nondiscrimination in Federal and State jury selection and service, to facilitate the desegregation of public education and other public facilities, to provide judicial relief against discriminatory housing practices, to prescribe penalties for certain acts of violence or intimidation, and for other purposes.

MOTION FOR CLOTURE ON CIVIL RIGHTS ACT OF 1966

Mr. MANSFIELD. Mr. President, I send to the desk a motion for cloture, and ask that it be read.

The PRESIDING OFFICER. The motion will be stated.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the motion to proceed for the consideration of H.R. 14765, an act to assure nondiscrimination in Federal and State jury selection and service, to facilitate the desegregation of public education and other public facilities, to provide judicial relief against discriminatory housing practices, to prescribe penalties for certain acts of violence or intimidation, and for other purposes.

MIKE MANSFIELD, PHILIP A. HART, GAYLORD NELSON, THOMAS J. DODD, HENRY M. JACKSON, JENNINGS RANDOLPH, WILLIAM PROXMIRE, BIRCH BAYH, DANIEL K. INOUYE, WAYNE MORSE, E. J. MCCARTHY, EDWARD KENNEDY, JOSEPH TYDINGS, J. K. JAVITS, THOMAS H. KUCHEL, HIRAM L. FONG, HUGH SCOTT.

Mr. WILLIAMS of New Jersey subsequently said: Mr. President, I ask unanimous consent, because a 10-minute delay made it impossible for me to be here in time to affix my name to the cloture motion on civil rights, that I may, at this time, affix my name to that motion.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Mr. President, if the Senator from New Jersey will yield, I should like to make a similar unanimous-consent request, that the name of the Senator from Michigan [Mr. GRIFFIN] be affixed to the cloture motion, who came into the Chamber about 1 minute after the motion was read.

The PRESIDING OFFICER. Is there objection to the requests of the Senator from New Jersey and the Senator from New York?

The Chair hears none, and the names of the Senator from New Jersey [Mr. WILLIAMS] and the Senator from Michigan [Mr. GRIFFIN] will be added to the cloture motion.

Mr. JAVITS subsequently said: Mr. President, I ask unanimous consent that the Senator from New Jersey [Mr. CASE] be allowed to sign the cloture motion.

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

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, I ask unanimous consent that following the vote on the minimum wage bill conference report on Wednesday, the vote on the motion for cloture shall take place immediately.

Mr. STENNIS. Mr. President, reserving the right to object, I may not object, but I understand the rules set for a time for the vote.

Mr. MANSFIELD. That is why I asked unanimous consent.

Mr. STENNIS. Is this the time specified?

Mr. MANSFIELD. No. That is why I asked unanimous consent. Otherwise, it would be automatic. I thought it would be best for the convenience of all Senators concerned.

Mr. STENNIS. The request is merely for the convenience of Senators?

Mr. MANSFIELD. Exactly.

Mr. STENNIS. And has nothing to do with the procedure on cloture itself?

Mr. MANSFIELD. Not in the least. It would make it convenient for Senators.

Mr. LONG of Louisiana. Mr. President, reserving the right to object—and I hope I shall not find it necessary to object—if we should have an opportunity to vote on the motion to take up before that time, would we nevertheless be required to vote in accordance with the unanimous consent request? Could we vote on the motion to proceed prior to that time?

Mr. MANSFIELD. I do not quite understand.

Mr. LONG of Louisiana. Suppose we should vote on the motion to proceed between now and Wednesday.

Mr. MANSFIELD. There will be no vote on the motion to proceed between now and the time of the vote on the cloture motion; I can assure the Senator of that.

Mr. LONG of Louisiana. The majority leader can assure the Senate that there will be no vote on that matter between now and then?

Mr. MANSFIELD. I can, and I do.

Mr. ELLENDER. Mr. President, can the majority leader be specific on the time of the vote?

Mr. MANSFIELD. Approximately 6 o'clock.

Mr. PROUTY. Mr. President, reserving the right to object, I inquire of the majority leader whether, if the conference report be rejected, it will then be in order to make motions and perhaps have votes.

Mr. MANSFIELD. It will.

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

Mr. STENNIS. Mr. President, again reserving the right to object, as I understand the majority leader, assurance is given to the Senate that his request is based merely on the convenience of Senators, and that no motion will be made or in order, and the majority leader will actively oppose any motion to dispose of the bill, or the motion to take up, or any other questions with reference to the House bill which is now the pending business?

Mr. MANSFIELD. The Senator has my word.

Mr. STENNIS. I thank the majority leader.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none and it is so ordered.

THE VIETNAM ELECTION

Mr. DIRKSEN. Mr. President, the election of a constituent assembly to draft a constitution for Vietnam is an event of surpassing importance.

That it should have taken place under reasonably tranquil conditions and with no more untoward incidents than one might find in an election in New York or Chicago is in itself of the highest significance.

Anyone familiar with Vietnam, with the stress and strain of the instant struggle and with the high illiteracy rate must realize how impressive this vote by the people really is. Anyone familiar with the group cleavages—the religious and ideological pressures in Vietnam—will appreciate the feelings of the Vietnamese people.

Behind the stolid expression which characterizes their oriental outlook on life; behind the seeming indifference which would be rather easy to understand; behind the factional pushing and pulling of recent years is a purposeful determination to manage their own destiny, and surely this is in the best democratic tradition.

The response of the people is one of the most impressive facets of that election. It may well exceed 75 percent or more of the eligible voters who responded. Could we have done better?

We are equipped with up-to-the-minute views on all matters by an alert press, by a radio and television medium which is as up to the minute as the restaurant prices in a nation beset with wild inflation. We might be expected to know the last word on an election of this kind, but for the Vietnamese with limited communications, low literacy, an overriding fear of the constant Vietcong surveillance makes this an extraordinary record.

For us it is a tonic. It is an answer to those who believe that our faith in the Vietnamese and in their desire for self-determination has been fully vindicated.

In the welter of war and bereavement, the people of Vietnam have demonstrated their determination to be free. They have proved to all the world that, notwithstanding numberless handicaps, they have not lost sight of their national goals, and that is the desire to remain the masters of their own freedom and their own destiny without pressure from without.

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, if the civil rights bill is disposed of this week by means of cloture or a failure of cloture, it is the hope of the distinguished minority leader and myself that, if the committees start functioning with reasonable dispatch as they can and will, we can dispose of the legislation still pending in committees before or by October 15.

We have discussed this matter and we would both very much like to adjourn by October 15, and not recess.

The decision, however, is not in our hands. It is in the hands of the committees, and I personally appeal to the chairmen of the committees and to the ranking minority members to do what they can to expedite the handling of this legislation so that it may be possible for the Senate and Congress to adjourn sine die by October 15 of this year.

The minority leader and I have also discussed the possibility of meetings on Saturday. We hope that the Senate would concur in this procedure if there is legislation to consider in an effort to reach adjournment by October 15.

Mr. DIRKSEN. Mr. President, will the majority leader yield?

Mr. MANSFIELD. I yield.

Mr. DIRKSEN. Mr. President, I concur in the hope expressed by the distinguished majority leader.

I assure him now that, insofar as the minority is concerned, we will cooperate with respect to Saturday sessions. I think it is appropriate here and now to thank the majority leader for his generosity and tolerance all through this session. We have had few if any Saturday sessions that I recall.

That is not much of a sacrifice for Senators to make if there is a reasonable hope that we can conclude our legislative labors by the 15th of October.

Mr. President, I shall propose when our policy committee meets tomorrow—and that will include all of our members—that we explore this matter.

I am confident there will be a maximum amount of cooperation afforded in order to achieve this goal.

Mr. MANSFIELD. Mr. President, I express my thanks to the distinguished minority leader and state that if there are Saturday sessions, it will only be because there is business to be attended to and not merely for the purpose of meeting on Saturday per se.

VIETNAM'S WAGER ON DEMOCRACY

Mr. KUCHEL. Mr. President, there has been a great deal said in this Chamber about American actions in southeast Asia. There has been too little said about the brave people of South Vietnam.

On Sunday the citizens of that country went to the polls to elect a constituent assembly which would decide how their Republic is to be governed. To prevent them from conducting this basic sacrament of democracy, the Communist Vietcong intensified their campaign of terror, striking at villages, at military outposts, and deep into the capital of Saigon, itself. They sought to frighten the innocent Vietnamese into staying away from the polls. To date this savagery has left 19 dead and 120 wounded. In the Mekong Delta alone, 52 incidents of terror were reported on election day. Over 140 were counted throughout the country.

Despite this brutal campaign of intimidation, over 4 million people went to the polls—a turnout of better than 75 percent of the registered voters, and a rate of ballot participation far higher than anyone had dared to hope. This is an extraordinary demonstration by a poor and humble people of their courageous devotion to the cause of self-government.

The world does not yet know what decision the voters will produce. But it does know that the people of Vietnam have given the lie to the Communist argument that the Vietcong and their terror represent the wave of the future. They have also shown that there are weapons more potent than raw force.

In Venezuela and the Dominican Republic, we have recently witnessed the triumph of the democratic system of elections over Communist violence and terror. The instruments of democracy are the strongest weapons available to man. They are a match for subversion, conspiracy, tyranny and terror. We sometimes fail to appreciate the true measure of their power.

The Vietcong may well have suffered their Dienbienphu—at the polls.

At every reasonable opportunity, the instrument of suffrage, and of public debate and public expression, should all be used as this experiment in democracy gains strength.

If man is to achieve his dream of peace on earth, his words and his will must overcome the fist and the dagger. Albert Camus wrote:

> Henceforth the sole honor will be to hold obstinately to the tremendous wager which will finally decide if words are stronger than bullets.

Yesterday's action by the Vietnamese people strengthens our faith that the wager is being won.

THE VIETNAMESE ELECTION

Mr. MONRONEY. Mr. President, yesterday the embattled citizens of Vietnam answered a question that has been the subject of world dispute for many many months.

Spokesmen by the dozens, purporting to represent the tens of thousands of Vietnamese, have been declaring over many months that these people did not understand nor comprehend the meaning of democracy.

Sunday the Vietnamese people, millions strong, spoke for themselves.

Instead of a stay-at-home vote—instead of ignoring the opportunity to express themselves—they spoke in the 80-percent turnout of the registered voters of their desire to be their own masters.

This was a decision that they want to walk down the road of representative, constitutional government. They thus embarked upon the first step toward self-government in selecting the delegates to draft the necessary constitution for self-government.

Loud and clear they said that they want nothing to do with Ho Chi Minh and his Communist agents and followers in the south.

They gave the lie to the idea that the Vietcong represented any significant part of the Vietnamese people.

Confounding many of the so-called experts, these Vietnamese people declared that they want freedom and democratic institutions and a chance to pick their own representatives.

In no uncertain terms, Mr. President, this message was given for the world to hear. And I hope that all Americans and the people of every nation—and particularly the leaders in Hanoi—have heard and understood that message.

All Americans can take heart from this massive expression of free popular will of the Vietnamese people. For we have been fighting and sacrificing for just this purpose. We consider it of vital importance that these people can make their own way without pressure and intimidation from outside.

Thus, the first step—not a long one, but one of great importance—has been taken toward building a new nation dedicated to the principle of self-rule. Many tough problems lie ahead. The Vietcong, regardless of this defeat at the polls and their efforts to frustrate this election, are not now going to simply melt away.

Ho Chi Minh has suffered an important defeat. But it is doubtful that it is severe enough at this point to make him pull his forces back to the north and to abandon his campaign of terrorism and aggression.

Much hard work and sacrifice remains to be done in Vietnam. Political parties will have to be created. Leaders chosen by the people must prepare to write a constitution to guide a new democracy. Early next year there will be new elections for the executive and legislative institutions that will make up a freely chosen government.

Regardless of our satisfaction over the first strong forward step taken in the election yesterday, it is no time for us—or for the people of Vietnam—to celebrate a victory and consider that the fight is won. It is no time to relax, but a time to rededicate ourselves to the cause of freedom.

Instead, those of us who work in the Congress as the constitutional representatives of a great nation of people should once more demonstrate the effectiveness and strength of a government based on the consent of the governed. The bravery and determination of our Vietnamese friends should remind us of our responsibilities of the moment.

The Congress has before it several legislative proposals of great urgency. The pending business of the Senate should be disposed of. Measures to strengthen our domestic economy should be considered without delay.

Meanwhile, the Members of Congress who have overwhelmingly supported three Presidents in our efforts to gain for the people of southeast Asia the sacred right of self-determination, can take deep satisfaction from what happened yesterday in Vietnam.

For a courageous and proud people have delivered a message to the world.

And the world has heard—and applauded.

TO PRINT ADDITIONAL COPIES OF HEARINGS ON SUPPLEMENTAL FOREIGN ASSISTANCE FOR VIETNAM FOR FISCAL 1966—CONFERENCE REPORT

Mr. FULBRIGHT. Mr. President, on behalf of the Senator from North Carolina [Mr. JORDAN], 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 concurrent resolution (S. Con. Res. 77) authorizing the printing of additional copies of hearings on supplemental foreign assistance for Vietnam for fiscal 1966. 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 September 8, 1966, CONGRESSIONAL RECORD, pp. 22048–22049.

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

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

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

LEADING INDICATORS SHOW LONG BUSINESS BOOM ABOUT TO END—PRESIDENT'S TAX PROPOSALS WOULD MAKE END COME QUICKER AND GO DEEPER

Mr. PROXMIRE. Mr. President, the President of the United States has asked this Congress to suspend the investment credit and endorse the administration's suspension of accelerated depreciation in order to keep prices and interest rates from rising further; that is, to moderate the boom.

Whether Congress should approve the President's proposal depends on how the Members of this Congress expect the economy to behave in the next year and a half or so, if we do not follow the President's prescription, and how we expect it to behave if we do follow it.

Mr. President, I strongly endorse the President's proposed cutbacks in spending, but I hasten to add that he has not

gone nearly far enough. I have said he should cut additional spending, and I have indicated how in my judgment he should reduce it.

I favor that course for many reasons. A principal reason is that such a course would have an immediate effect on prices and can be swiftly reversed if we should move into a recession.

But these are exactly the reasons I oppose his tax proposals. Both suspension of the investment credit and postponement of accelerated depreciation will not have their prime effect for a year or more, and their consequences will be felt for years after that time.

This morning's Wall Street Journal carries an excellent article by George Shea which concludes:

> Thus the signs accumulate that before many months have passed the course of general business will be seen to be turning down. If so, the tax and other measures urged by President Johnson, if they succeed in slowing down capital spending, will merely add their weight to an already weakening trend.

Mr. Shea spells out the key advance indicators of a turn in our economy which more and more clearly points to the near future as a period when the record long boom of the economy will be turning down. They are:

First. The sharp rise in interest rates—characteristic of the end of a boom period.

Second. A decline in stock prices, following hard on the rise in interest rates. We have suffered a 23-percent drop in stock prices since February.

Third. A third characteristic of the top of booms is that prices of industrial raw materials tend to edge off while other wholesale and most retail prices are still climbing. The Government's daily index of 13 industrial raw materials touched a high just under 125 percent of 1957–59 last March, and in recent days has fallen below 109 percent.

Fourth. Other leading indicators seem to have turned down in recent months. They include housing starts, the average workweek in manufacturing, and commercial and industrial building awards. Still other leading indicators seem to have turned to a level trend from an uptrend previously.

I ask unanimous consent that the article by George Shea from the first page of this morning's Wall Street Journal 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 OUTLOOK: APPRAISAL OF CURRENT TRENDS IN BUSINESS AND FINANCE

The current economic situation in the United States has the earmarks of a typical top in a business boom. If events follow their historical course this top will be followed soon by a downturn in business activity. And the measures just proposed by President Johnson to fight inflation are likely to speed the arrival of the downturn or aggravate it or both.

One of the clearest signs of a boom top is a strong rise in interest rates on borrowed money. Such a rise has been taking place for more than a year.

Some people seem to think the Federal Reserve Board is responsible for the rise in interest rates, and that it triggered the rise when it boosted to 4½ percent from 4 percent last December the discount it charges on loans to member banks. Actually, at that time, rates on tax-free bonds had been rising since early 1965 and rates on Treasury securities had been going up since July.

It is true that the Reserve Board began to ration the banks' lendable reserves as early as the spring of 1965, though it did so far more moderately in that year than it has since March this year. But in spite of such rationing, bank lending has continued at a very rapid pace. Fundamentally, it is this rapid expansion in loans at the banks, accompanied by large credit demands in other forms, that has tightened money and caused interest rates to rise.

The Reserve authorities themselves put the case clearly in a statement Sept. 1 asking the banks to limit new loans and avoid selling securities as a means of obtaining money to make loans. Credit expansion, they said, "should be moderate enough to help insure that spending—and particularly that financed by bank credit—does not exceed the bounds that can be accommodated by the nation's growing physical resources."

This is the key point in two ways. Not only does spending at a rate of growth beyond that of physical capacity tend to cause prices to rise, thus defeating the efforts of the spenders to speed physical growth. But also, by the same token, the accompanying growth in credit demand tends to exceed the rate of savings growth that the economic system is capable of producing.

In turn, that is why interest rates rise and the supply of credit falls short of demand. As this shortage becomes aggravated it first limits, then often reverses, growth in business activity, bringing about a downturn. Furthermore, the sequence appears inescapable; any attempt by Reserve authorities to increase the supply of credit in this situation would merely speed up inflation of prices without changing the physical limits on growth, and the same unfortunate consequences of tight money and business downturn would follow sooner or later.

Another characteristic of boom tops is a decline in stock prices that follows hard upon rising interest rates. This, too, we have seen in the present instance, with a stock-price drop of some 23 percent since early last February. Basically, the same factors that caused interest rates to go up make stocks go down. People in need of money can't buy stocks and in many cases sell stocks. In addition, of course, low dividend yields obtainable from stocks look less and less attractive when the interest yields available on bonds and other kinds of loans become larger.

A third characteristic of the tops of booms is that prices of industrial raw materials tend to edge off while other wholesale and most retail prices are still climbing. Apparently these raw materials tend to be the first commodities in which supply catches up with demand as a result of the opening up of new sources of production. The Government's daily index of 13 industrial raw materials touched a high just under 125 percent of 1957–59 last March and in recent days has fallen below 109 percent.

This decline may seem strange at a time when the Government and many economists worry about inflation, but such contradictory movements have been seen before. In the 1957–58 recession the index of raw commodities fell from 109.7 in 1956 to 102.2 in 1957 and 95.1 in 1958, although the overall wholesale index in the same years edged up from 96.2 to 99.0 and then to 100.4.

Even in a single commodity, copper, the same thing can be seen today. Since last winter copper scrap has fallen sharply but the U.S. price of newly refined copper was raised last week by two producers; the reason, of course, is that the refiner price has been held artificially far below the world price as reflected in scrap and in the London Metal Market. Now the Administration, continuing the artificial pressure, is trying to persuade the two producers to roll back the price they've raised.

Stock prices and raw material prices are two of the so-called leading indicators that economists watch because they tend to turn up or down ahead of general business. Interest rates are classed as a lagging indicator because they go up late in a boom and down late in a recession. But in a sense—if looked at upside down, as it were, by watching bond prices—they could be regarded as a very early leading indicator that moves even ahead of stocks and raw materials.

Others of the leading indicators seem to have turned down in recent months. They include housing starts, the average workweek in manufacturing, and commercial and industrial building awards. Still others of these early indicators seem to have turned to a level trend from an uptrend previously.

Thus the signs accumulate that before many months have passed the course of general business will be seen to be turning down. If so, the tax and other measures urged by President Johnson, if they succeed in slowing down capital spending, will merely add their weight to an already weakening trend.

GEORGE SHEA.

Mr. PROXMIRE. Mr. President, on this investment credit suspension, there is a built-in technical reason why its effect will be far sharper and greater a year from now than it will be in the first few months.

Consider the position of Transcontinental and Western Airlines, which was reported to have ordered $400 million of planes on September 2. If the President's proposal is written into law, this firm will lose $28 million in net profits. If TWA had had any inkling of the Presidential message, they would have speeded up their order to August 31.

Now, Mr. President, consider the position of the businessman next August or September who is considering ordering a big item of equipment. Remember, restoration of this credit will be only 4 or 5 months away. Should he order now or wait 4 or 5 months? With each day that passes, businessmen will be more and more reluctant to order. They will be a day closer to a profitable credit if they wait.

The capital goods industry may start dropping this year, because the credit is absent, but it will accelerate its descent in March, April, May next year. By September, the industry is likely to be all but paralyzed. The last quarter of next year will be a nightmare. Every businessman with any kind of major equipment order in mind will of course postpone the order.

The same will be true of all the industrial building in America. Can one imagine a businessman contracting for a half-billion-dollar plant in October next year, when he could wait 3 months and enjoy a $35 million increase in his net profit?

So the lag with a specially depressing impact about a year or so from now is a sure consequence of these proposals.

This may mean that Congress will end its suspension earlier. Maybe, maybe not. That depends on what is happening to prices at that time. We could have in late 1967 what the country has had

in the past—rapidly increasing unemployment coinciding with continuing rising prices.

Postponement of Government public works projects would involve none of these hazards. Its effect would be swift. Its reversal could come in part or in whole—depending on an instant Presidential decision.

ANTIDUMPING AND PROTECTIONISM

Mr. JAVITS. Mr. President, the Trade Expansion Act of 1962 was heralded as the start of a new era of liberalized world trade policy, yet it has not prevented protectionist forces from attacking this policy in Congress since the act has been in effect.

I have fought protectionist legislation, as protectionism only hurts the consumer and weakens the competitiveness and efficiency of our domestic economy and that of every other country that participates in this practice.

Increasing pressures have been brought on Congress in recent months to amend the Antidumping Act in a fashion that would make it so restrictive as to prevent legitimate forms of international competition and to induce foreign countries to retaliate in kind.

In my view, the best approach to stop this protectionist spiral is to negotiate an international antidumping agreement during the current GATT trade negotiations, and in a recent speech I gave a full exposition of my reasons in support of such an international agreement.

I ask unanimous consent to insert into the RECORD the speech I delivered on this subject before the International Trade and Customs Law Committee of the Federal Bar Association, September 9, 1966, at the Statler Hilton Hotel in Washington.

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

When the Trade Expansion Act became law four years ago it was hailed as the beginning of a new era of enlightened and liberalized trade policy. The experience of these four years shows that the Act did not prevent protectionist forces from maintaining steady pressure on the Congress—with some success at times—for protectionist legislation.

I take this opportunity to sound the alarm and to issue a strong warning now as to the consequences of pursuing such policy. The increased protectionism of the Congress is a growing threat and failure or even the absence of a clearcut success at the current GATT negotiations could unleash a worldwide wave of protectionism.

It is clearly in the interest of the United States to support a policy of effective trade liberalization. A policy of protectionism weakens the competitiveness and efficiency of our economy and the economy of each nation that practices it. The United States and its allies need to be economically strong and cohesive. Increasingly greater international trade insures that nations seek to remain competitive and that their resources are used efficiently.

Elimination of restrictions against trade is an essential ingredient of effective international cooperation. The trouble is that we want to have our cake, and eat it, too. We want to expand exports, while increasing restrictions against competitive imports. This would be a nice trick, if it could be done, but such a nearsighted view is like the search for perpetual motion. It sounds trite to repeat it, but it is true—trade is a two-way street. This is the principle which forms the basis of the U.S. negotiating position in Geneva and I can assure you Congress will not approve any agreement that does not reflect this principle.

Make no mistake about it, efforts such as the so-called Hartke-Herlong antidumping bill—sponsored by 32 of my colleagues in the Senate and 97 members of the House of Representatives—are, I regret to say, thinly disguised forms of protectionism.

I am in favor of modernizing the Antidumping Act of 1921 through legislation or regulations that would bring to a halt predatory price discrimination and the unfair use of economic power to destroy competition in international trade. That is why this Act was passed by Congress in the first place and measures that maintain that principle under current conditions have my support and that of other fairminded people.

But, the Hartke-Herlong approach violates this concept. It runs counter to a basic principles of international trade which is based on the idea that trade takes place when people in country A find it to their advantage to purchase a product in country B rather than at home because it is cheaper or more economical. The Hartke-Herlong bill is a move to "protect" by restricting total trade certain American industries—such as steel and cement—against legitimate international competition. If the drive by the U.S. steel industry for legislation such as the Hartke-Herlong bill is motivated by a desire to defend itself against the newly forming European steel cartels than I say they are building a weak defense. Enactment of such legislation would only lead to similar measures in Europe and the U.S. steel industry would be exactly in the same position as it is now. The most effective defense is an international agreement on dumping that would meet head on a predatory attack such as that which could be mounted by Eropean steel cartels without penalizing normal international competition.

In my estimation, and I am pleased to say in the estimation of a growing segment of the business community of the industrialized world and their governments, the best protection against predatory price discrimination and the unfair use of economic power to destroy international competition is the world-wide standardizaton of laws designed to bring such illegal practices to a halt. Once such standardization is achieved through an international agreement on antidumping, both our economy and the economies of others will be equitably protected to our mutual advantage.

My main objections to the Hartke-Herlong bill is that: (1) it would deprive the Bureau of Customs and the Treasury of the ability to do more than make a purely mechanical "less than fair value" determination; (2) it would virtually eliminate the Tariff Commission's discretion in the anti-dumping field; and (3) it would practically assure that each complaint would be followed by a "less than fair value" determination and most, if not all, such determination followed by a finding of injury.

The bill, if it became law in its present form, would become a major barrier against legitimate international trade in products competitive with U.S.-made products.

An international anti-dumping code, on the other hand, is desirable because (1) it would blunt the drive in many foreign countries for legislation such as the Hartke-Herlong bill and therefore would remove this potential hindrance to U.S. exports; (2) properly drawn, it would effectively protect American industry against predatory price discrimination and U.S. importers against unfair harassment; and (3) it would eliminate an important bone of contention at the current GATT negotiations and thereby contribute to their successful conclusion.

It would be premature for me to discuss in detail what I think should be included in an antidumping code. On September 12 the Trade Information Committee will begin hearings to examine the complex issues involved in an international agreement on anti-dumping. Expert testimony before these hearings will, I am sure, be very helpful in the construction of an international anti-dumping code, which will be fair to both the domestic industries of trading nations and to importers. At this point let me say only that such a code should, as a minimum, establish uniform definitions of dumping and injury, and uniform administrative practices for entering and prosecuting dumping claims by all the signatories. Such a code should use as a point of departure Article VI of GATT which sets forth the basic GATT rules on dumping and be administered under GATT auspices. Procedures should be established to deal with violators of the code both through the levying of dumping duties and through court sanctions.

I call attention to a valuable position paper issued by the International Chamber of Commerce this June in which they make 19 specific recommendations on the principles on which an international code of anti-dumping procedure should be based. Let me just cite three of them:

"1. Save in exceptional circumstances, anti-dumping procedures should only be initiated when domestic producers submit a complaint to the effect that imports at dumped prices are causing them *material* injury [my italics] * * *

"2. An application should only be accepted by the authority concerned when it is made by or on behalf of domestic producers whose total production of the like goods represents, both in value and volume, a *major* proportion of total domestic output of these goods. * * *

"5. Until such time as a final decision can be taken, no provisional measures should be applied unless they are essential in order to stop or prevent really serious injury, and then only for a limited period."

I urge the Federal Bar Association and Governor Herter's Office to take this report with the utmost seriousness, as it represents the collective judgement of a very knowledgeable segment of the industrialized world.

The question has been raised by the protectionist forces whether or not the President does in fact have any authority to conclude an international agreement on dumping. In my opinion the President does have such authority under Article II, Section 2 of the Constitution that puts him in charge of the conduct of U.S. foreign relations and his power is not derived from the Trade Expansion Act of 1962. However, I agree that, if such an international agreement is reached and it would result in amending the Anti-Dumping Act of 1921 the consent of Congress would have to be obtained and it would be free to accept or to reject any such amendment.

The question can be legitimately asked by those who are faced with stiff international competition "How do we defend ourselves?"

I submit that the lasting solution to import competition is to increase the efficiency and productivity of the American economy. It is the job of the Federal Government to encourage the growth of the more efficient and competitive elements of this economy through such measures as tax incentives, the reciprocal reduction of trade barriers, revision of antitrust laws, manpower training, aid to higher education, encouraging labor mobility, export promotion.

Much of our economy is highly competitive. A smaller segment is not able to compete against more efficient domestic or foreign competitors.

In the Trade Expansion Act of 1962 and in the U.S.-Canada Auto Agreement, Congress recognized the existence of national responsibility should injury to domestic workers or businesses result from tariff cuts, and authorize the President to provide adjustment assistance to those injured or a combination of Federal Assistance and tariff or quota relief.

Those, plus the national security exemption, are the means to use—not political protectionism by special discrimination in favor of one economic bloc or another.

The credibility of this country's professed support of trade liberalization is now being called into question at home and abroad. Should our principal allies become convinced that our support of this policy lacks a conviction, the current GATT negotiations, which have been organized at our own insistence, will fail.

In our rapidly changing world, where new currents of power—economic and political—are moving all around us, the path of the protectionist seems so easy and logical to some at home, but it is a terribly dangerous one. Only by harnessing those mighty new currents of power to the purposes of freedom, only by having the courage and foresight to meet them squarely in the great private enterprise tradition of our country, can we reach for the destiny of free men.

The United States, with the greatest economic power on earth, provides that best guarantee that freedom will prevail on this earth. The greatest catastrophe which could befall the world in terms of international trade, with incalculable effects on freedom everywhere, would be if we abdicated our position as the world's leader in increasing international trade and freeing it from barriers and restrictions by slipping into a protectionist policy of our own. It is to avoid such a catastrophe, with its inevitable destructive retaliation from our Nation's trading partners that has led me to oppose protectionist legislation in general and the Hartke-Herlong approach to anti-dumping in particular.

VIETNAM ELECTIONS—A VITAL FIRST STEP

Mr. JAVITS. Mr. President, yesterday's elections for a constituent assembly in South Vietnam could be the significant first step that we have all been waiting for, the first concrete sign that our joint efforts are paying off. The two key indicators of success were positive: there was a large voter turnout and there were hardly any charges of fraud. Present figures are that over 5 million South Vietnamese or almost three-quarters of the eligible voters cast their ballots.

We should be perfectly clear in our own minds, however, on the meaning of this success. It is not going to produce any new and miraculous harmony or a clearcut mandate. It was not a vote of confidence in any premier or political party. It is not even a definite sign that the South Vietnamese are going to clean their own house and begin to pursue the war against the Communists or their war against want in a more determined fashion.

The success of the elections proves one thing—control. And this is what was really to be tested in the first place. The impressive voter turnout demonstrates that the Saigon government actually controls and is administering the territory of a great majority of the people. The Communists, whatever they will now claim, were trying to sabotage the elections by frightening people away from the polls and candidates from running for office. A poor voter turnout would have indicated that the South Vietnamese people believed the Vietcong was more powerful than the Saigon government.

In the test of wills and strength, the Saigon government demonstrated it could deliver. The people felt safe enough with Saigon's protection to brave the Communist threats.

But the elections are only a beginning, and the task of constitutionmaking, with all the attendant political problems, lies ahead. It is very important that those chosen for this constitution-drafting responsibility concentrate on drafting the constitution and do not busy themselves by taking potshots at the present Government. Similiarly, the military junta should exercise restraint in allowing the duly elected delegates to write the constitution without military dictation.

Our job now is to convince the politicians and the military that they need each other. The military chain of command is the only structure that exists in South Vietnam that can implement decisions, and the various political groupings represent the only way decisions can be both made and accepted by the people.

COMMUNIST REPLIES TO SENATOR EASTLAND

Mr. EASTLAND. Mr. President, I ask unanimous consent to have printed in the RECORD a letter sent to the editor of the Jackson Daily News.

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

TOUGALOO RED HITS AT EASTLAND

In the July 21 edition of the Jackson Daily News I am mentioned by Senator JAMES EASTLAND as one of "11 known Communists" who "participated and influenced" the recent Meredith-Mississippi March ("EASTLAND Names Reds in March").

It is not my intention in this letter to deny EASTLAND'S "exposure", I am indeed a "known Communist"—a Marxist, a revolutionary socialist, an open advocate of the revolutionary overthrow of capitalism and its replacement with a world Socialist order . . . EASTLAND'S intrepid snoopers could have saved the taxpayers' money, for in my two years of civil rights activity in this state I have never attempted to hide my political convictions or my affiliations. Far from denying the charge, I am greatly honored to have been denounced on the Senate floor as an implacable foe of this most qualified representative of degenerate racism.

EASTLAND'S latest blast is a heartening sign to the Negro people and the poor people of the state, for it shows that the old plantation master from Sunflower County is trembling at the spectre of thousands of Mississippians rising up to smash his beloved system of racist oppression.

EASTLAND, who constantly talks of Mississippi's "excellent" race relations, has the tricky job of explaining the mass support of the Meredith-Mississippi March among the state's Negro population, culminating in an enthusiastic rally of some 20,000 at the Capitol in Jackson. The best he can come up with is a handful of alleged Communists who happened to be among the tremendous crowd.

Sorry Senator, but the thousands of Mississippi people moved to action in recent events in the state know they are not "infiltrated." This was the Mississippi peoples' work, "agitated" by you and your kind and the decadent system you so ably represent.

The Senator screams "Communists are staging a revolution in this country." Speaking from the Senator's home state, I say yes indeed Mr. EASTLAND, there is a revolution being staged here, and although "Communists" can hardly be credited with staging it, it is a revolution that deserves the partisan support of all those who work for a society free of racism, violence and exploitation of man by man.

There is a revolution afoot here to destroy the naked rule of the rich, which has made Mississippi the poorest state in the nation; to destroy the vile racism nurtured by EASTLAND and his ilk that blinds men to their common interests in struggle and has denied the most basic of human rights to vast numbers in this state; to destroy the attitude of subservience to a "law and order" designed to perpetuate a reactionary racist order, and to instill the revolutionary will to organize and fight among the oppressed masses of this state. There is a revolution afoot here, which will consign all the Eastlands and everything they represent to their long deserved place on the garbage heap of history.

EASTLAND sees the handwriting on the wall, and fights back with any weapon he can get his hands on; for he knows that a society free of racist oppression means the social, political and economic death of all the James Eastlands of the world.

As a "known Communist" I am proud to be a participant in this revolution that will someday forever silence the James Eastlands.

PHIL LAPSANSKY.

TOUGALOO, MISS.

ANDREW JACKSON, A NATIVE OF NORTH CAROLINA

Mr. ERVIN. Mr. President, on August 30, 1966, my good friend, Representative WILLIAM JENNINGS BRYAN DORN, of South Carolina, made a statement on the floor of the House to the effect that Andrew Jackson was born in South Carolina.

My good friend's action on that occasion calls to mind Horace's statement:

But as Homer, usually good, nods for a moment, I think it a shame.

It deeply grieves me that my good friend Representative DORN, whom I esteem to be one of America's most eloquent and wise statesmen, should have nodded on this occasion and fallen into such a sad historical error.

In the course of his remarks, Representative DORN urged Representative JONAS, who now represents the birthplace of Andrew Jackson in the House of Representatives, and me to weigh the so-called evidence which he presented in support of his claim that South Carolina rather than Union County, N.C., was the birthplace of Andrew Jackson.

Let me assure my good friend that I have weighed this evidence, and have found that none of it is credible and that all of it would be rejected by any court of law if it were offered to prove that Andrew Jackson was born in South Carolina rather than in Union County, N.C.

This is true because none of the persons whose alleged testimony was cited by my good friend were present at the

birth of Andrew Jackson, except Andrew Jackson himself, and Andrew Jackson was too young and too mentally immature at that time to have any personal recollection of the event.

It is to be noted that the chief documentary evidence cited by Representative DORN consisted of an excerpt from the Winyaw Intelligencer, which was published at Georgetown, S.C., on April 24, 1819, and which gave an account of a banquet honoring the visit to South Carolina of President James Monroe. Surely no impartial jury would give any credence whatever to this newspaper account of this banquet in passing upon the issue of the location of the birthplace of Andrew Jackson because the only reference to that event in the newspaper account is the 13th toast which was supposedly drunk by those present to "Major General Jackson—a son of South Carolina and worthy of her."

Since the proposer of this toast and the other revelers at the banquet had already drunk 12 toasts before they allegedly reached the 13th, it is altogether likely that both he and they were then in the state described as drunkenness by this little verse:

> Not drunk is he who from the floor
> Can rise again and drink once more.
> But drunk is he who prostrate lies,
> And can neither drink nor rise.

It is really very doubtful whether those present at this banquet were even capable of drinking the 13th toast which proclaimed the historical error that Andrew Jackson was the son of South Carolina rather than the son of Union County, N.C. I am certain that any impartial jury would draw this conclusion no matter how great the imbibing capacity of South Carolinians may have been in the year 1819.

To be sure, Andrew Jackson did say on several occasions that he was born in South Carolina. As I have pointed out, he had no personal recollection whatsoever of his birth and for that reason was not a credible witness to testify to it. All of the other so-called witnesses summoned by Representative DORN merely emulated the examples of parrots and repeated Andrew Jackson's incorrect statement.

The PRESIDING OFFICER (Mr. BASS in the chair). The Chair, representing the chosen State of Andrew Jackson, is reluctant to advise the Senator that his time has expired.

Mr. ERVIN. Mr. President, I ask the Chair with great enthusiasm that by unanimous consent I may be allowed to complete this statement, which should not take more than 4 minutes.

The PRESIDING OFFICER. The Chair generously gives that consent, without objection.

Mr. ERVIN. Mr. President, two alternative theories may be advanced as to why Andrew Jackson stated he was born in South Carolina rather than in Union County, N.C.

The first is that Andrew Jackson was a politician who was always hankering after votes, and for this reason he claimed to have been born in South Carolina in order to obtain the uncertain and wavering votes of South Carolinians, including those who favored nullification of the tariff laws enacted during his tenure as President. He was well acquainted with the character of North Carolinians and knew that he did not have to resort to political cajolery to obtain their suffrage.

This first theory finds support in a statement made by Andrew Jackson himself to a boyhood companion in the days of his youth before he became a chronic politician. James Faulkner declared that on one occasion while he was "sleeping with Andrew Jackson in the McKemey house," which was undoubtedly located in North Carolina, "Andrew told him that he was born in that house"—see Parton's "Life of Andrew Jackson," volume I, page 55.

The other theory offered in explanation of Andrew Jackson's incorrect statement that he was born in South Carolina was advanced by his greatest and most truthful biographer, James Parton, who wrote the first authoritative life of Andrew Jackson.

James Parton stated on page 52 of volume I of this three volume "Life of Andrew Jackson," which was published in 1861, that General Jackson sincerely supposed himself to be a native of South Carolina. I quote what Parton says on this subject:

> General Jackson always supposed himself to be a native of South Carolina. "Fellow-citizens of my native State," he exclaims, in the close of his proclamation to the nullifiers of South Carolina; but it is as certain as any fact of the kind can be that he was mistaken.

If North Carolina and South Carolina should join issue in a court of law upon the question whether Andrew Jackson was born in South Carolina or in North Carolina, the court would reject as incompetent all of the evidence offered by Representative DORN and receive as absolute truth the testimony of three witnesses who were present at his birth, these three witnesses being Mrs. Sarah Leslie, an aunt of Andrew Jackson, Mrs. Sarah Lathen, a first cousin of Andrew Jackson, and Mrs. Molly Cousar, a neighbor of George McKemey, who stated with absolute positiveness to many neighbors that Andrew Jackson was born at the home of his mother's sister, Mrs. George McKemey, which was located in what is now Union County, N.C.

In chapter 3, of volume I of his "Life of Andrew Jackson," James Parton reviewed the testimony on this score and announced as his conclusion that "this testimony leaves no reasonable doubt that the birth took place at the home of McKemey." He added that the spot where the home of McKemey stood was "as well known to the people of the neighborhood as the City Hall is to the inhabitants of New York," and that the McKemey home was located in what is now Union County, N.C.

It is to be noted that James Parton was a most reliable historian who visited the site of the McKemey home and conversed with numerous people residing in that neighborhood instead of relying upon the unsupported and incorrect statement of Andrew Jackson himself.

Mr. President, for the edification of my good friend, the distinguished Representative from South Carolina and that of all other persons who may be ignorant of the truth that Andrew Jackson was born in what is now Union County, N.C., I ask unanimous consent that chapter 3 of James Parton's "Life of Andrew Jackson" be printed at this point in the body of the RECORD.

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

LIFE OF ANDREW JACKSON

CHAPTER III

The emigrants

In 1765, Andrew Jackson the elder, with his wife and two sons, emigrated to America. He was accompanied by three of his neighbors, James, Robert, and Joseph Crawford, the first-named of whom was his brother-in-law. The peace between France and England, signed two years before, which ended the "old French war"—the war in which Braddock was defeated and Canada won—had restored to mankind their highway, the ocean, and given an impulse to emigration from the old world to the new. From the north of Ireland large numbers sailed away to the land of promise. Five sisters of Mrs. Jackson had gone, or were soon going. Samuel Jackson, a brother of Andrew, afterwards went, and established himself in Philadelphia, where he long lived, a respectable citizen. Mrs. Suffren, a daughter of another brother, followed in later years, and settled in New York, where she has living descendants.*

When Andrew Jackson emigrated, George III, had reigned five years. America was resisting the Stamp Act, which was repealed a year later when Chatham came into power, and Franklin had borne his testimony against it at the bar of the House of Commons. Frederic II. was beginning to be "called the Great," and the death of Pompadour had just left the throne of France vacant. Washington was learning how to govern himself and his country in the school in which genuine statesmanship is learned—the management of a private estate.

Andrew Jackson was a poor man, and his wife, Elizabeth Hutchinson, was a poor man's daughter. The tradition is clear and credible among the numerous descendants of Mrs Jackson's sisters, that their lot in Ireland was a hard one. They were weavers of linen the price of which fluctuated in the early days of its manufacture more injuriously than it now does. The grandchildren of the Hutchinson sisters remember hearing their mothers often say, that in Ireland some of these girls were compelled to labor half the night, and sometimes all night, in order to produce the requisite quantity of linen. Linen-weaving was their employment both before and after marriage; the men of the families tilling small farms at high rents, and the women toiling at the loom. The members of this circle were not all equally poor. There is reason to believe that some of them brought to America sums of money which were considerable for that day, and sufficient to enable them to buy Negroes as well as lands in the southern wilderness. But all accounts concur in this: that Andrew Jackson was very poor, both in Ireland and in America. Besides this, tradition has nothing of importance to communicate respecting him, except that he and his wife were Presbyterians, as their fathers were before them. The Hutchinson sisters, however, are remembered as among the most thrifty, industrious and capable of a race remarkable for those qualities. There is a

* Kendall's Life of Jackson.

smack of the North-Irish brogue still to be observed in the speech of their grandchildren and great-grandchildren. "He went *till* Charleston," and "there never was seen the *like* of him for mischief" are specimens of their talk. General Jackson himself, to a very nice ear, occasionally betrayed his lineage by the slightest possible twang of Scotch-Irish pronunciation.

I may as well remark here as anywhere, that the features and shape of head of General Jackson, which ten thousand signboards have made familiar to the people of the United States, are common in North Carolina and Tennessee. In the course of a two months' tour in those States among the people of Scotch-Irish descent, I saw more than twenty wellmarked specimens of the long, slender, Jacksonian head, with the bushy, bristling hair, and the well-known features. There is a member of the North Carolina Legislature, and a judge in Tennessee, so strongly resembling General Jackson, that it could scarcely fail to be remarked in any company where they were, if the name of Jackson should be mentioned. The venerable Dr. Felix Robertson, of Nashville, the first man born in that part of the Cumberland valley, who is still living to wonder at what two generations of men have wrought in that garden of the South-west, has often been accosted in the street as General Jackson, though he is not so much like the General as many other gentlemen whom I have seen. In Carrickfergus, there are probably many Jacksons walking about the streets unrecognized; the type being evidently one from which nature has been in the habit of taking impressions for many generations. I think it probable, for the same reason, that Andrew Jackson the elder strongly resembled his son in form and feature. The General's mother, moreover, according to tradition, was a "stout woman," and among the numerous descendants of her sisters there is no likeness to General Jackson to be observed.

The party of emigrants from Carrickfergus landed at Charleston, and proceeded, without delay, to the Waxhaw settlement, a hundred and sixty miles to the north-west of Charleston, where many of their kindred and countrymen were already established. This settlement was, or had been, the seat of the Waxhaw tribe of Indians. It is the region watered by the Catawba river, since pleasantly famous for its grapes. A branch of the Catawba, called the Waxhaw Creek, a small and not ornamental stream, much choked with logs and overgrowth to this day, runs through it, fertilizing a considerable extent of bottom land. It is a pleasant enough undulating region, an oasis of fertility in a waste of pine woods; much "worn" now by incessant cotton-raising, but showing still some fine and profitable plantations. The word Waxhaw, be it observed, has no geographical or political meaning. The settlement so called was partly in North Carolina and partly in South Carolina. Many of the settlers, probably, scarcely knew in which of the two provinces they lived, nor cared to know. At this day, the name Waxhaw has vanished from the map and gazetteers, but in the country round about the old settlement, the lands along the creek are still called "the Waxhaws."

Another proof of the poverty of Andrew Jackson is this: the Crawfords, who came with him from Ireland, bought lands near the center of the settlement, on the Waxhaw Creek itself, lands which still attest the wisdom of their choice; but Jackson settled seven miles away, on new land, on the banks of Twelve Mile Creek, another branch of the Catawba. The place is now known as "Pleasant Grove Camp Ground," and the particular land once occupied by the father of General Jackson is still pointed out by the old people of the neighborhood. How large the tract was, I have not been able to ascertain; as, since that day, there have been so many changes in the counties of that part of North Carolina, that a search for an old land-title is attended with peculiar difficulty. The best information now attainable confirms the tradition which prevails in the Waxhaw country, that Andrew Jackson, the elder, never *owned* in America one acre of land. General S. H. Walkup, of Union county, a distinguished member of the Senate of North Carolina, a lawyer in the region where he has lived from his birth, has made this matter a subject of special and laborious investigation. "I have examined," he writes to me, "the offices of the Register of Deeds at Wadesborough in Anson county, and Charlotte in Mecklenburg county, North Carolina, to find out whether General Jackson's father ever owned any land, and I have also examined the old papers of the tract on which he once lived. But I cannot find that he ever owned any land. No evidence of any title in him can be found. My own opinion is, that he never did own any land, and it is well known that he was extremely poor; and therefore it was that after his death his widow removed to Waxhaw Creek among her relatives." On Twelve Mile Creek, however, Andrew Jackson planted himself, with his family, and began to hew out of the wilderness a farm and a home. The land is in what is now called Union county, North Carolina, a few miles from Monroe, the county seat. The county was named Union, a few years ago, in honor of the Union's indomitable defender, and in rebuke of neighboring nullifiers. It was proposed to call the county Jackson, but Union was thought a worthier compliment; particularly as the patriotic little county juts into South Carolina.

For two years Andrew Jackson and his family toiled in the Carolina woods. He had built his log-house, cleared some fields, and raised a crop. Then, the father of the family, his work all incomplete, sickened and died: his two boys being still very young, and his wife far advanced in pregnancy. This was early in the spring of 1767.

In a rude farm-wagon the corpse, accompanied, as it seems, in the same vehicle by all the little family, was conveyed to the old Waxhaw church-yard, and interred. No stone marks the spot beneath which the bones have moldered; but tradition points it out. In that ancient place of burial, families sleep together, and the place where Andrew Jackson lies is known by the grave-stones which record the names of his wife's relations, the Crawfords, the McKemeys and others.

A strange and lonely place is that old grave-yard to this day. A little church (the third that has stood near that spot) having nothing whatever of the ecclesiastical in its appearance, resembling rather a neat farm-house, stands, not in the church-yard, but a short distance from it. Huge trees, with smaller pines among them, rise singly and in clumps, as they were originally left by those who first subdued the wilderness there. Great roots of trees roughen the red clay roads. The church is not now used, because of some schism respecting psalmody and close communion; and the interior; unpainted, unceiled, and uncushioned, with straight-backed pews, and rough Sunday-school benches, looks grimly wooden and desolate as the traveler removes the chip that keeps the door from blowing open, and peeps in. Old as the settlement is, the country is but thinly inhabited, and the few houses near look like those of a just-peopled country in the northern States. Miles and miles and miles, you may ride in the pine woods and "old fields" of that country, without meeting a vehicle or seeing a living creature. So that when the stranger stands in that church-yard among the old graves, though there is a house or two not far off, but not in sight, he has the feeling of one who comes upon the ancient burial-place of a race extinct. Rude old stones are there that were placed over graves when as yet a stone-cutter was not in the province; stones upon which coats-of-arms were once engraved, still partly decipherable; stones which are modern compared with these, yet record the exploits of revolutionary soldiers; stones so old that every trace of inscription is lost, and stones as new as the new year. The inscriptions on the grave-stones are unusually simple and direct, and free from sniveling and cant. A large number of them end with Pope's line (incorrectly quoted) which declares an honest man to be the noblest work of God. One of the inscriptions, the longest of them all, I copied, because it seemed a good illustration of the character of this virtuous, but consciously-virtuous race. The history thus bluntly recorded was that of many who lie in old Waxhaw church-yard, and the character portrayed is Jacksonian:

"Here lies the body of Mr. William Blair, who departed this life in the 64th year of his age, on the 2d of July, A.D. 1821, at 9 P.M. He was born in the county of Antrim, Ireland, on the 24th of March, 1759. When about thirteen years old, he came with his father to this country, where he resided till his death.

"Immediately on his left are deposited the earthly remains of his only wife, Sarah, whose death preceded his but a few years.

"He was a revolutionary patriot, and in the humble station of private soldier and wagon-master, he contributed more to the establishment of American independence than many whose names are proudly emblazoned on the page of history.

"With his father's wagon he assisted in transporting the baggage of the American army for several months. He was in the battles of the Hanging Rock, the Eutaw, Ratliff's Bridge, and the Fish Dam Ford on Broad River. In one of these battles (it is not recollected which) he received a slight wound, but so far was he from regarding it, either then or afterwards, that when it was intimated to him that he might avail himself of the bounty of his country, and draw a pension (as many of his camp associates had done) he declared, that if the small competence he then possessed failed him, he was able and willing to work for his living, and, if it became necessary, to fight for his country without a penny of pay.

"In the language of Pope, 'The noblest work of God is an honest man.'

"No further seeks his merits to disclose,
Or draw his frailties from their dread abode.
There they alike in trembling hope repose,
The bosom of his father and his God."

The bereaved family of the Jacksons never returned to their home on the banks of Twelve Mile Creek, but went from the church-yard to the house, not far off, of one of Mrs. Jackson's brothers-in-law, George McKemey by name, whose remains now repose in the same old burying-ground. A few nights after, Mrs. Jackson was seized with the pains of labor. There was a swift sending of messengers to the neighbors, and a hurrying across the fields of friendly women; and before the sun rose, a son was born, the son whose career and fortunes we have undertaken to relate. It was in a small log house, in the province of North Carolina, less than a quarter of a mile from the boundary line between North and South Carolina, that the birth took place.

Andrew Jackson, then, was born in Union County, North Carolina, on the 15th of March, 1767.

General Jackson always supposed himself to be a native of South Carolina. "Fellow-citizens of my *native* State!" he exclaims, at the close of his proclamation to the nullifiers of South Carolina; but it is as certain as any fact of the kind can be that he was mistaken.

The point is one of small importance, but as it may be questioned, and as the people of the Carolinas have shown much interest in it, I will give the briefest possible summary of the evidence* which fixes the birth of General Jackson in North Carolina. The evidence was collected and drawn up in convincing array by General S. H. Walkup, a most worthy gentleman. Born and brought up in the neighborhood, General Walkup was aided in his inquiries by a perfect knowledge of the country and of the unimpeachable character of his witnesses. I went afterward myself over the same ground, and heard the same story from many of the same persons; but the whole credit of setting this matter right belongs to the honorable and patriotic gentleman just named.

First, let us establish the fact that the birth took place at the house of George McKemey.†

Benjamin Massey, an old resident of the vicinity (as are, or were, the other testifiers), gives his recollections of what he heard Mrs. Lathen, who was present at the birth, say on the subject. Mrs. Lathen said

"That she was about seven years older than Andrew Jackson; that when the father of Andrew Jackson died, Mrs. Jackson left home and came to her brother-in-law's, Mr. McCamie's, previous to the birth of Andrew; after living at Mr. McCamie's awhile, Andrew was born, and she was present at his birth; as soon as Mrs. Jackson was restored to health and strength she came to Mr. James Crawford's, in South Carolina, and there remained."

John Carnes says:—

"Mrs. Leslie, the aunt of General Jackson, has often told me that General Jackson was born at George McCamie's, in North Carolina, and that his mother, soon after his birth, moved over to James Crawford's, in South Carolina; and I think she told me she was present at his birth; but at any rate, she knew well he was born at McCamie's."

James Faulkner, second cousin of General Jackson, states:

"That old Mr. Jackson died before the birth of his son, General Jackson, and that his widow, Mrs. Jackson, was quite poor, and moved from her residence on Twelve Mile Creek, North Carolina, to live with her relations on Waxhaw Creek, and while on her way there, she stopped with her sister, Mrs. McCamie, in North Carolina, and was there delivered of Andrew, afterward President of the United States; that he learned this from various old persons, and particularly heard his aunt, Sarah Lathen, often speak of it and assert that she was present at his, Jackson's, birth; that she said her mother, Mrs. Leslie, was sent for on that occasion, and took her, Mrs. Lathen, then a small girl about seven years of age, with her, and that she recollected well of going the near way through the fields to get there; and that afterward, when Mrs. Jackson became able to travel, she continued her trip to Mrs. Crawford's, and took her son Andrew with her, and there remained."

John Lathen, second cousin of General Jackson, says:—

"The following is about what I have heard my mother, Sarah Lathen, say in frequent conversation about the birth-place of Andrew Jackson, President of the United States. She has often remarked that Andrew Jackson was born at the house of George McCamie, and that she, Mrs. Lathen, was present at his birth. She stated that the father of Andrew Jackson, viz., Andrew Jackson, Sr., lived and died on Twelve Mile Creek in Mecklenburg county, North Carolina, and that soon after his death, Mrs. Jackson left Twelve Mile Creek, North Carolina, to go to live with Mr. Crawford, in Lancaster district, South Carolina. That on her way, she called at the house of George McCamie, who had married a sister of hers, Mrs. Jackson, and while at McCamie's, she was taken sick, and sent for Mrs. Sarah Leslie, her sister, and the mother of Mrs. Sarah Lathen, who was a midwife, and who lived near McCamie's. That she, Mrs. Lathen, accompanied her mother, Mrs. Sarah Leslie, to George McCamie's; that she was a young girl, and recollects going with her mother; they walked through the fields in the night, and that she was present when Andrew Jackson was born. That as soon as Mrs. Jackson got able to travel after the birth of Andrew she went on to Mr. Crawford's, where she afterward lived."

Thomas Faulkner, second cousin of General Jackson, says:—

"My recollection of what Mrs. Sarah Lathen said of the birth-place of Andrew Jackson, President of the United States, was about this: I have often heard her say that Mrs. Betty Jackson, the mother of Andrew Jackson, 'was taken sick at the house of George McCamie, and sent for Mrs. Sarah Leslie at the time when she was delivered of Andrew Jackson, and that she, Mrs. Leslie, took her daughter, Mrs. Lathen, with her on the night of Jackson's birth; and that they walked through the fields, the near way, from Mrs. Leslie's to George McCamie's.' I have often heard my grandmother, Sarah Leslie, say 'that she was sent for on the night of the birth of Andrew Jackson by her sister, Mrs. Betty Jackson, who was taken sick at the house of her brother-in-law, George McCamie, and that she took her daughter, Sarah Lathen, then a small girl, with her; that they walked the near way, through the fields, to McCamie's, and that she was present when Andrew Jackson was born at the house of said George McCamie.' These women were both of sound minds and excellent memories and characters up to the time of their deaths. Mrs. Leslie died about fifty years ago, and Mrs. Lathen died thirty-five years ago. I am now seventy years of age, and reside now, where I have ever since my birth, in Lancaster district, South Carolina, near Craigsville post office, and about two miles from the old Waxhaw church."

To the same effect testify Samuel McWhorter, Jane Wilson and others.

James D. Craig, formerly a resident of Waxhaw, now of the State of Mississippi, states that he remembers hearing old James Faulkner say that once while sleeping with Andrew Jackson at the McKemey house, Andrew told him that he was born in that house. Mr. Craig further says that he has heard Mrs. Cousar, a very aged lady, long a near neighbor of McKemey, say that she remembered perfectly the night of Andrew Jackson's birth, as she was sent for to assist, and reached the McKemey house before the infant was dressed. Mr. Craig has also heard Charles Findly, deceased, say that he "assisted in hauling" the corpse of Andrew Jackson from his house on Twelve Mile Creek to the Waxhaw churchyard, and in interring it there; that he brought Mrs. Jackson and her boys with the corpse, and, after the funeral, conveyed them to the residence of George McKemey, where, soon after, Andrew was born.

This testimony leaves no reasonable doubt that the birth took place at the house of McKemey. Nor is there the least difficulty in finding the precise spot where that house stood. The spot is as well known to the people of the neighborhood as the City Hall is to inhabitants of New York. The testimony of the late Thomas Cureton, Esq., never the owner of the place, but brother of its former proprietor, will suffice to satisfy the reader on this point:

"I, Thomas Cureton, senior, being about seventy-five years of age, do hereby certify that my father, James Cureton, came to this Waxhaw Settlement from Roanoke River, in North Carolina, about seventy-three years ago, as I am informed and believe, when I was about one year old; and my brother, Jeremiah Cureton, who was about twenty years older than myself, came with him. My brother, Jeremiah Cureton, bought the George McCamie place some time after he came to this county, in about 1796, and settled down on the same place and in the same house where George McCamie lived. He remained there a few years, and until he bought the place where William J. Cureton now lives. I know the George McCamie place well. It lies in North Carolina, about a quarter of a mile east of the public road leading from Lancaster Court House, South Carolina, to Charlotte, North Carolina, and to the right of said road as you travel north; and lies a little east of south from Cureton's Pond on said public road, and a little over a quarter of a mile from said pond. My brother, Jeremiah Cureton, always called that the McCamie house, and the McCamie place. My brother, Jeremiah Cureton, was of the opinion, from information derived from old Mrs. Molly Cousar, the mother of Richard Cousar, that Andrew Jackson, President of the United States, was born at the George McCamie place as above described. Mrs. Cousar was a neighbor, and lived then, at the time of the birth of General Andrew Jackson, and until her death, in South Carolina, about one mile west from the George McCamie house, and was a very old women when she died, which was about thirty-five years ago. She was a woman of undoubted good moral character, and her veracity was unquestionable. The Leslie houses lay about half a mile in a southern direction from the McCamie house, and north of Waxhaw Creek, and east of the public road. I have lived for the last seventy-two or three years within three or four miles of the McCamie place."

To this add the following from William J. Cureton, Esq., the present hospitable proprietor of the place:—

"This McCamie house lies about half a mile south-east of where I now live, and is in Union county, North Carolina, formerly called Mecklenburg county, North Carolina, and is a little over a quarter of a mile south-east of what is called Cureton's Pond, and about a quarter of a mile east of the State line, and the public road leading from Lancaster Court House, South Carolina, to Charlotte, North Carolina, and about one and a half miles north of Waxhaw Creek. I have the old land papers for said tract, which was patented to John McCane, 1761, upon a survey dated 8th September, 1757; conveyed by McCane to Repentance Townsend, 10th April, 1761, and by Townsend to George McCamie, 3d January, 1766; and by George McCamie to Thomas Crawford, 1792; and from Crawford and wife, Elizabeth, to my father, 23d July, 1796; and by my father to myself, and which I still own. My father came from Virginia with my grandfather, James Cureton, to Roanoke, North Carolina, and from there to Waxhaws, South Carolina, and purchased the McCamie place, where he lived a few years, and then removed to the place where I now reside in Lancaster district, South Carolina, where he remained until his death in 1847; being then eighty-four years of age."

And so we dismiss this unimportant but not wholly uninteresting matter.

In a large field, near the edge of a wide, shallow ravine, on the plantation of Mr. W. J. Cureton, there is to be seen a great clump, or natural summer-house, of Catawba grape vines. Some remains of old fruit trees near by, and a spring a little way down the ravine, indicate that a human habitation once stood near this spot. It is a still and solitary place, away from the road, in a red, level region, where the young pines are in haste

*Published, in part, in the *North Carolina Argus* of September 23d, 1858, and the rest deposited in the Historical Society of North Carolina.

†This name is spelt in various ways in the depositions. I follow the spelling of his tombstone in Waxhaw church-yard.

to cover the well-worn cotton fields, and man seems half inclined to *let* them do it, and move to Texas. Upon looking under the masses of grape vine, a heap of large stones showing traces of fire is discovered. These stones once formed the chimney and fireplace of the log-house wherein George McKemey lived and Andrew Jackson was born. On that old yellow hearth-stone, Mrs. Jackson lulled her infant to sleep, and brooded over her sad bereavement, and thought anxiously respecting the future of her fatherless boys. Sacred spot! not so much because there a hero was born, as because there a noble mother suffered, sorrowed and accepted her new lot, and bravely bent herself to her more than doubled weight of care and toil.

Mrs. Jackson remained at this house three weeks. Then, leaving her eldest son behind to aid her brother-in-law on his farm, she removed, with her second son and the newborn infant, to the residence of another brother-in-law, Mr. Crawford, with whom she had crossed the ocean, and who then lived two miles distant. Mrs. Crawford was an invalid, and Mrs. Jackson was permanently established in the family as housekeeper and poor relation.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. WILLIAMS of New Jersey. I am not an historian but I thought that one of the Governors of either North Carolina or South Carolina said to the other Governor, "It is a long time between drinks." Is that correct?

Mr. ERVIN. The Senator is correct, but I would say that it was not a long time between drinks at the banquet, which was held in South Carolina in 1819.

Mr. WILLIAMS of New Jersey. That is my point. The Senator is not basing his entire case on the fact that there were 13 toasts in a short period.

Mr. ERVIN. I am not basing my entire case on that. I am basing my case on the testimony of the three witnesses who were present at the birth of Andrew Jackson. They stated that Andrew Jackson was born at the home of George McKemey, his uncle by marriage, in Union County, N.C.

Mr. WILLIAMS of New Jersey. Rather than Andrew Jackson himself.

Mr. ERVIN. I am showing how unworthy of belief is the testimony filed in support of the erroneous claim that Andrew Jackson was a native of South Carolina, rather than a native of Union County, N.C.

Mr. WILLIAMS of New Jersey. My distinguished colleague, a renowned and able jurist, has convinced me. If we were to have a vote, I would vote with the Senator from North Carolina.

Mr. ERVIN. I thank the Senator.

THE PROSPECTIVE DANGER OF INCREASED WHEAT PRODUCTION

Mr. CARLSON. Mr. President, the Kansas Farmers Union at a special convention in Salina, Kans., on August 23, discussed at length the present farm situation.

One of the problems confronting the wheat producers of our Nation is the prospective danger of increased production that will again build surpluses that will affect the future price of wheat.

There is practically no Government lid on the 1967 wheat acreage, as the use of allotment acres has been increased to 32.25 percent over the acreage that was in effect in the 1966 program.

In May 7.7 million acres over the 1966 allotment were added by the 15 percent increase and the last acreage increase of 15 percent added another 8.9 million acres.

Our wheat surplus has been substantially reduced and present indications are we will have a carryover of between 300 and 400 million bushels on July 1, 1967. It is my personal opinion that our reserve stock or carryover should not go below 600 million bushels.

There is no doubt that we need additional production if we are to maintain a surplus that will assure our consumers of a dependable and adequate supply of food and also produce sufficient quantities of wheat to maintain our position in the world wheat market.

The recent increase in the price of wheat is wholly justified and is a necessary incentive to produce the wheat that this country needs. Certainly, no Federal action should be taken that will in any way impair or endanger the farmer's income through increased production that will substantially reduce the price of wheat.

At the present time there is much concern about the rising cost of living and the inflationary pressures on all prices; however, the farmer also suffers from increased costs and inflation.

Reuben Johnson, testifying for the National Farmers Union gave the House Subcommittee on Agriculture a good look at the increased cost of farming, noting that since 1947 to 1949, interest to the farmer is up 436.7 percent, taxes are up 202.2 percent, wage rates are up 71.6 percent, motor supplies are up 25.7 percent, motor vehicles are up 62.8 percent and farm machinery is up 80.7 percent.

Under the present farm program, the only real price protection farmers will have is the announced price support of $1.25 a bushel and wheat certificate payments.

Through the wheat certificate payments, the producers are guaranteed 100 percent of parity for that portion of their wheat consumed in the United States. Parity for wheat has been increasing year after year because of rising production costs and this indicates that there should be some increase in certificate payments in the future.

Our farmers are entitled to their fair share of the national income and are asking no more.

I ask unanimous consent to have the proposals adopted by the Kansas Farmers Union at its Special Convention on August 23 printed in the RECORD.

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

THE KANSAS FARMERS UNION MEETING IN SPECIAL CONVENTION AT SALINA, KANS., ON AUGUST 23, 1966, SUPPORTS PROPOSALS

1. The additional wheat acreage allotment in the amount of 15% is not an answer to wheat producers' income problem. Wheat producers have worked diligently and cooperated well with farm programs to bring wheat supplies downward in line with demand.

Additional wheat production for use in our foreign policy has our support, but the additional production could very well be used to put a ceiling on all wheat prices, both domestic and export. We believe the time is now here when full parity for farmers should be implemented as a National policy. "We recommend that a 25¢ certificate be inaugerated within the next few weeks on 65% of the projected yield, commonly referred to as the export portion of wheat production and further efforts then be inaugurated to reach full parity on the 1967 crop".

Food is now an accepted weapon of peace in our Foreign affairs "Kit of Tools" and unless farmers receive full parity for their production, both domestic and export, agriculture and wheat producers in particular will be bearing a major share of the burden of our foreign policy through the method of less than parity prices. This is a sharp departure from our established National policy that foreign policy should be a cost of all the people and that groups who sell non-agricultural items to the Government or directly to other countries are not expected to do it at cut rates prices. We urge this action and believe it can be implemented by the use of certificates and legislation which would forbid the release of grain by the government at less than full parity.

2. Food is becoming of greater importance each day. Farmers raise food. If the nation is to obtain increased production, the Draft Status for farm boys and farm workers must be reviewed. We ask that agriculture be placed on the essential list by the Selective Service before too great a number of experienced farm help is drafted or enlist because of draft classification pressure. We support a complete review and overhaul of our Selective Service System.

3. Kansas Farmers Union recommends an increase in farm storage grain rates paid by the government to encourage orderly marketing of grain and wheat in particular beginning at the farm level.

4. Kansas Farmers Union urges in light of the recent rise in food prices an investigation of food processing costs by a joint committee of members of congress and working farmers.

5. We urge continuation of production controls acreage allotments, etc., so we do not find ourselves in the same conditions we experienced only a few short years ago of too much production causing low prices.

DR. WILLIAM C. MENNINGER

Mr. McGOVERN. Mr. President, the United States and the world have lost one of the most distinguished men of our time in the passing of Dr. William C. Menninger.

This world-renowned psychiatrist and president of the Menninger Foundation of Topeka, Kans., has enriched all of us by his life and his understanding of the human mind.

I ask unanimous consent that an article reporting his death and the highlights of his life, which appeared in the New York Times of September 8, 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 New York Times, Sept. 8, 1966]

DR. WILLIAM C. MENNINGER, PSYCHIATRIST, IS DEAD

TOPEKA, KANS., September 6.—Dr. William C. Menninger, world-famous psychiatrist and president of the Menninger Foundation here, died Tuesday evening in his home. He was 66 years old.

Dr. Menninger succumbed to lymphoma, a form of malignancy of the lymph nodes.

He had headed the psychiatric treatment, training and research center since 1957. His brother, Dr. Karl Menninger, chief of staff of the foundation, also is among the best-known psychiatrists in the world.

All three of Dr. William Menninger's sons are associated with the foundation, two as psychiatrists and one in administrative work. They are Dr. Roy W. Menninger, Dr. W. Walter Menninger and Philip B. Menninger. His wife, Catherine, also worked closely with him.

EARNEST PRACTITIONER

Dr. Will, to distinguish him from his older brother, Dr. Karl, was one of psychiatry's most earnest practitioners and most energetic salesmen.

Dr. Karl, author of "The Human Mind," "Man Against Himself" and "Love Against Hate," was the philosopher who made penetrating generalizations on psychiatry. He felt, for example—and his brother agreed—that every psychiatrist should himself have had some kind of psychological distress in order for him to understand his patients' troubles.

Dr. Will's full name was William Claire Menninger (with a hard g), and if he had any psychological problems it may have been because his middle name derived from the fact that his parents had hoped for a girl and had planned to call her Clara.

An outspoken advocate of expanded mental health treatment, Dr. Will had advanced his ideas in appearances before the legislatures of 27 states. He had much to overcome in this area, because of the widespread notion that psychiatry was either hilariously funny or sacrilegious and maybe even subversive.

Dr. Will played a leading role in promoting the Menninger Clinic, which his brother and their father, Dr. Charles Frederick (Dr. C. F.), had founded in 1919 in so unlikely a place as Topeka. That city, in what can be truly termed the heartland of the United States, became a world center of psychiatry. A generation ago it was said to be the only city in the country where psychiatrists outnumbered all other kinds of doctors.

At the time it was noted that the clinic was the largest training center for psychiatrists in the world and that 15 per cent of all psychiatrists being trained in the United States studied there.

Until the Menningers established their clinic few places in the entire country could have appeared to be less hospitable to the teachings of a Viennese neurologist named Sigmund Freud, who today is universally regarded as the father of modern psychiatry.

Freud believed, in effect, that most personality disorders were caused by conscious or unconscious conflicts between selfish desires, what society demanded and what the individual thought was right, and that at the bottom of it all were basic sexual drives.

Dr. Will, who in 1926 joined with his brother and father in moving the Menninger Clinic to a farm on the outskirts of Topeka, where a sanitarium was built for specialization in psychiatry, had a simple illustration of the conscious versus unconscious conflict.

ILLUSTRATED CONCEPT

The mind, he held, was something like two clowns cavorting in a horse's costume. The man up front (the conscious part of the mind) tries to determine the direction and make the whole animal behave. But he can never be sure what the man at the rear (the unconscious) is going to do next.

If both ends of the horse are going in the same direction (it was explained in an analogy published some years ago), the individual's mental health was all right. If they were not pulling together, there was likely to be trouble.

Dr. Menninger described himself as a "psychodynamic psychiatrist." He explained: "The distinction between Freudian psychiatrists and non-Freudians is becoming infinitesimal. Dynamic psychiatry is being accepted more and more widely. In other words, people are beginning to see that damage of the same kind can be done by a bullet, bacteria or a mother-in-law."

He believed strongly in research, but he also felt that cure was more important than 100 per cent accurate diagnosis. He once put it this way: "One does not have to know the cause of a fire to put it out."

As one who was known as psychiatry's sales manager in the United States, Dr. Menninger was well aware that any new branch of science was apt to get rough treatment from the public until its ideas had been well tested.

In his own appearance, he presented a convincing example of psychiatry as an "acceptable" field of medicine, despite the frequently outlandish notions popularly held about it.

MODEST ABOUT HONORS

He was a native of Topeka. A big man—he stood 6 feet 1 inch tall—he had the reputation of being a friendly "nice guy."

He had been president of the American Psychiatric Association and the American Psychoanalytic Association. During World War II he was a brigadier general in charge of psychiatry for the Army and received the Distinguished Service Medal and the French Legion of Honor.

Despite these and other honors, he was modest about his distinguished position in his profession, and would explain his having been chosen for a post by saying: "They shoved me up there."

Dr. Menninger received his medical degree from the Cornell University Medical School in 1924 and then served an internship in Bellevue Hospital before joining his father and brother at the clinic at Topeka.

He became medical director of the Menninger Foundation Psychiatric Hospital in 1930 and was named president in 1957. In 1941, the Menninger brothers agreed that the need for trained personnel and research should have priority over private practice. This led to the establishment of the foundation's educational operation for different types of workers in mental health.

Dr. Menninger's published works include "Psychiatry in a Troubled World," "You and Psychiatry," "Psychiatry: Its Evolution and Present Status," "Understanding Yourself" and "Enjoying Leisure Time."

Dr. Menninger once summed up his attitude toward psychiatry and mental illness this way:

"The problem is to convince people that emotional disturbances do exist, that they are a kind of sickness and that they can be helped by psychiatry. Too often, people can't understand the nature of their problem.

"They grow discontented, apathetic, depressed; they blame somebody in Washington, or they get angry at other people. It never occurs to them they have an emotional disease."

And on counseling how the individual in the modern world could improve his state of mind, Dr. Menninger's considered advice was:

"Find a mission in life and take it seriously."

"AMERICA IN THE MARKETPLACE," A THOUGHT-PROVOKING NEW BOOK BY SENATOR PAUL DOUGLAS

Mr. SYMINGTON. Mr. President, as we of the Senate know, the senior Senator from Illinois is a true expert in the field of economics; an economist with the ability to translate theory into practical legislation.

All of us should be indebted to him for the contribution he has now made to an understanding of current fiscal and monetary problems.

The United States faces many of these problems today. In his new book, "America in the Marketplace," Senator DOUGLAS offers unusual insight into the nature and the importance of our continuing unfavorable balance of payments, with its resultant negative gold flow.

In a recent review, the St. Louis Dispatch assessed this book by Senator DOUGLAS. The reviewer pointed out that the author "has developed the ability to translate the highly technical jargon of campus, business and Government economists into terms understandable by an intelligent layman." The article also notes that:

He leaves no doubt about his own position and when he is in doubt, he say so.

I ask unanimous consent that the Post-Dispatch review of this new Douglas book, "America in the Marketplace," be printed at this point in the RECORD.

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

[From the St. Louis Post-Dispatch, Aug. 16, 1966]

SENATOR DOUGLAS IN NEW BOOK CALLS FOR LOWERING OF WORLD TRADE BARRIERS, SOLVING LIQUIDITY CRISIS—ILLINOIS SENATOR WOULD BOLSTER ECONOMIC TIES—DE GAULLE POLICY ON BRITAIN AND GOLD CENSURED

(By Raymond P. Brandt)

WASHINGTON, August 16.—Democratic Senator Paul H. Douglas of Illinois has written a scholarly but readable book that combines his knowledge as an economist with his parctical experiences in national, state and local governments in the last 30 years.

The title is "America in the Market Place." It is a textbook on this country's increasing stake in international finance and a tract for free trade among the non-Communist nations. It goes on sale today.

The book has timely political as well as domestic economic significance. It is the first full-length book by Douglas since 1952 and comes out when he is campaigning for re-election to a fourth six-year term. His Republican challenger is Charles H. Percy, a relatively young successful businessman who is trying for a second time to win a major office. He failed in 1964 to unseat Gov. Otto Kerner of Illinois.

The book is unlikely to become a direct campaign issue. Percy was a student of Douglas when the Senator was a professor at the University of Illinois. Although Percy is the chief executive of Bell & Howell, manufacturer of photographic equipment that competes with German and Japanese products, he, too, favors breaking down international trade barriers.

Douglas regards himself as a liberal Democrat. Percy is rated as a moderate Republican. He gave only nominal support to the presidential candidacy of Senator Barry M. Goldwater of Arizona.

As an indirect partisan issue, however, the book by implication compares the relative effectiveness of economists and businessmen in politics. DOUGLAS is a former chairman of the Senate-House Joint Economic Committee and will again be chairman if re-elected to the next Congress. He is also a ranking

member of the tax and tariff writing Finance Committee and the Banking and Currency Committee. On all these committees he has participated in the writing of legislation and reports. He has frequently criticized the actions and policies of Democratic and Republican administrations.

The book discloses how the experiences of a responsible legislator have modified the classical views of an academic economist. There is a windfall for the reader and voter—as a Chicago city councilman, as an adviser to the state governments of Illinois and New York and as a campaigner, DOUGLAS has developed the ability to translate the highly technical jargon of campus, business and government economists into terms understandable by an intelligent layman. He leaves no doubt about his own positions and when he is in doubt, he says so.

The themes of the book are:

(1) All groups and nations prosper most when they concentrate on producing and selling what they can do best and buying those things in which others excel.

(2) Broader trade, freely conducted brings buyers and sellers more closely together and teaches them to be more sympathetic toward the needs and problems of others. Making people more interdependent broadens and deepens their interests and helps lessen parochialism and the cruder forms of nationalism.

(3) We live in a real, not an ideal, world and must deal with human beings and institutions as they are and not as we would like to have them. As we strive for greater world prosperity and a smoother world financial system, we cannot and should not neglect the interests of our own nation.

(4) The United States is the strongest nation in the democratic free world that is challenged by the police states of Communism. Our alliances with the democracies need to be reinforced by solid economic ties that can best be created by trade across national lines.

The opening chapters summarize economic history from simple local barter to complex international credit procedures. The American portion includes a review of American tariff policies from Alexander Hamilton's post-revolution protectionism to President John F. Kennedy's Trade Expansion Act of 1962 and the current Kennedy Round at Geneva.

With this as a background, Douglas discusses at length the creation, decline and revival of the European Common Market; East-West trade; balance of international payments and the various plans for an international currency to supplement gold and dollars as national monetary reserves.

The Illinois Senator concentrates much of his fire on three targets—French President Charles de Gaulle because of his blackballing of Great Britain's application for membership in the Common Market and his cashing of dollars for gold; the purported failure of some State Department Foreign Service officers to protect American economic interests, and the Soviet Union and its satellites.

A a free-trader economist Douglas favors expansion of the six-nation Common Market to include the seven-nation European Free Trade Association of which Great Britain is the most important member. * * *

He recounts with pride that over the opposition of the State Department he obtained approval of two amendments in the 1962 Trade expansion act. The first gave the President more power to retaliate if European countries imposed high tariffs against our products. The second stipulated that the chief negotiator at Geneva be responsible to the President rather than the State Department.

Free-trade purists, he writes, disapproved the reprisal amendment but because it was obvious that France and Germany intended to reduce or eliminate imports of American farm products, he thought our negotiators should be armed with a sword as well as an olive branch.

The Senator's low regard for the State Department has taken several forms. For years he sought to reduce the so-called overseas entertainment allowance for what he called whisky parties. He does not want career diplomats for trade negotiators, saying:

"For many years the Foreign Service was primarily drawn from members of the American Establishment and hence tended to favor European culture and institutions."

The State Department was able to defeat a third amendment that would have enlarged the scope of tariff bargaining at Geneva in case Britain and other EFTA nations did not join or were barred from the Common Market. He discloses that the State Department held that approval of his amendment would lessen Britian's willingness (lukewarm at the time) to join the six inner European countries. It did not foresee that De Gaulle would later veto the belated application.

As to his own view at the time, Douglas writes:

"While I hoped that Great Britain would ask for admission, I wanted its decision made without American influence. I did not want the full benefits of broader trade to be denied to the world because of any slip in her admission."

The episode, he continues, illustrated the weakness in the bureaucracy of the State Department, of an almost inverterate unwillingness to acknowledge that legislators may at times have knowledge and foresight at least equal to or superior to their own.

Althought the book discusses how trade promotes international friendship and peace, Douglas makes an exception of Soviet Russia and other Communist countries. He explains this seeming inconsistency by pointing out that Russia does not permit foreign suppliers to come into contact with their ultimate purchasers and says that Russian trade missions to this country always have secret police attached to them.

Douglas's conditions for trade with the Soviet Union, have been challenged. On one hand, he says that if Russia's ultimate aim is to overthrow our system of government and economics, it would be the height of folly for us to build it up by trade. On the other hand, if Russian hostility switched overnight to co-operation, we should have convincing proof that the Kremlin has turned a new leaf and any trade should be balanced by Russia sending us articles of similar value. Russia has no supply of such articles except gold and a few industrial metals.

Even if reciprocal trade is economically possible, Douglas would insist on political concessions.

"Foremost among such concessions," he writes in the vein of a political campaigner, "would be the end of aid to the North Viet Namese government in its aggressions against South Viet Nam, Laos and Southeast Asia in general.

"Further reciprocal concessions would be the withdrawal of Russian troops from Hungary and other satellites and the granting of religious freedom in certain countries under Russian control.

"These need not be included in the same document as that on trade but could be by parallel and preferably prior action by Russia itself. In other words, we need to be hard bargainers for freedom and not succumb to excessive naivette and false trustfulness."

More than a third of the book is devoted to the balance of international payments, the international monetary system and the need for creating a collective currency unit to supplement the inadequate supply of gold and dollars now used for national reserves and foreign trade transactions.

In international monetary affairs and in European economic union negotiations, Douglas would isolate France until De Galle or his successor abandons insistence on French veto power over the collective plans of other non-Communist nations. While not indorsing any specific plan for creation of a new reserve currency unit, Douglas supports the position of the Johnson Administration for retention of the weighted vote procedures of the International Monetary Fund in an expansion of its authority.

He predicts that De Gaulle will probably refuse to enter an agreement in which France does not have veto power. This should not prevent the United States or other nations from undertaking the venture, he says.

"While the presence of France is highly desirable," he writes, "It is not indispensable. The door should indeed be left open for France to change its mind. Perhaps such experience may be necessary to develop a more co-operative attitude on the part of President De Gaulle and his associates."

Because of its subject, the latest Douglas book is almost entirely on international affairs as they affect the United States or are affected by this country. His earlier writings as an economist were devoted to domestic issues. These included "The Theory of Wages: Real Wages in the United States" and "Social Security in the United States," both still classics in their field. He drafted the first Illinois old age pension law and was adviser to Gov. Franklin D. Roosevelt on New York's social security problems.

PRESIDENT JOHNSON'S POPULARITY

Mr. McGEE. Mr. President, red ink has been used to bring us the news that President Johnson's popularity with the people of the United States has slipped to a low ebb of 50-percent approval. Columnist Howard K. Smith has, however, put this news in perspective, suggesting that it is something to be expected and something to be shrugged off with a little philosophy by the President. Mr. Smith also makes the point that President Johnson has performed well in the Nation's No. 1 job, expressing, in short, the view I know many of us share, that national policies cannot be predicated on opinion polls.

I ask unanimous consent that Howard K. Smith's analysis of the meaning, if any, of the latest public opinion polls regarding the Presidential office be printed in the RECORD.

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

DOES JOHNSON'S POPULARITY SLIP MEAN ANYTHING?

(By Howard K. Smith)

There are a great many things the President might do about his sagging stock on the opinion polls. Probably the single most useful recourse would be to shrug it off with a little philosophy.

Measured by the standard of most of his predecessors, he is not doing nearly as poorly as the polls or the Washington press corps suggest. But corrosive criticism and bouts with popular disillusion are almost nonconstitutional requisites for the job. And past examples suggest the present time is about right for popular favor to reach the bottom.

It was within months of FDR's 1936 landslide victory that his stock began to sink, beginning with his ill-fated court reform and ending with the ensuing and disastrous off-year election of 1938. It was about two

years after Harry Truman's stunning upset triumph of 1948 that his poll rating attained what is still the record low for Presidents—26 percent. In 1962, John Kennedy's popularity enabled his party to confound the tradition that the in-party always loses in off-year elections and win his party a net gain of seats in Congress; yet a year later his influence was so low that his legislative program had completely jammed on Capitol Hill.

The trouble is, we still personalize our complaints, and what better person to blame than the one whose actions fill a third of the average front page each day and whose face appears on television more often than Walter Cronkite's. Also, when people give a man a spectacular triumph they also unconsciously hang expectations on him that no human can fulfill. So, comes the pendulum swing from charisma to disenchantment.

In this situation even the most trivial features of a President are picked at. Not long ago I read a list of scathing comments about the President on everything from his absence of style and his cornball mannerisms to his vulgar jokes and lack of dignity in public. At the end it was revealed that not Johnson but Abraham Lincoln had been the butt of these comments by his contemporaries.

Among the comforts of a philosophical attitude is the observed fact that people often tend to say one thing when airing views that won't affect national actions, and to behave differently in that periodic moment of truth in the voting booth. As a friend of mine who hated Truman said when I asked why he did not mark his ballot for Dewey

"Hell, I was only talking then; now I'm voting."

With voting-booth perspective, which swallows near-up wrinkles in long-trend contours, Mr. Johnson's record cannot but appear inordinately impressive. His immediate predecessor's slogan was, get the country moving. But when Kennedy died all had stalled. Johnson's job was, in Pierre Salinger's words, "about like taking over the driver's seat of a bus that had run up against a brick wall. You had to get that bus started again, and you had to get it through that brick wall—but how?" There are not many precedents for the skill with which Johnson got it started and through the wall.

The troubles in our cities cannot be shrugged off. They demand prompt and vigorous remedy. Still, in a real sense they are the noises of progress. It is true that desperate people don't make revolutions; it is rather people who have had a whiff of success and felt the first flow of democratic power into their spirits.

The economy's main trouble is the threat of "over-heating." How much more welcome a problem that is than the way the motor went cold in three recessions in the eight Eisenhower years. Then we shuddered at Allen Dulles' announcement that our economic growth rate was but a fraction of Russia's. Now, our growth rate has simply traded places with Russia's.

The President's weakness is said to be foreign affairs. Yet the intervention in the Dominican Republic, so fiercely assailed at the time (by this reporter among others), turned out pretty well.

In a year of our really resisting in Viet Nam, the mood of all Asia has changed. The assumption that China would inevitably come to dominate the continent has been de-fused, and a kind of spiritual rebellion against Peking's influence is spreading. In fact, so disastrous has been the year for China that we have a new fear that she may resort to irrational actions to try to rescue her prestige.

The President has to face the fact that vigorous Presidents don't get an even break. Since he insists on remaining in that condition, it is going to be tough, at least until election time.

FIRST ANALYSIS OF OUR TAX SYSTEM SINCE 1964 SHOWS DESIRABILITY OF INCREASING STANDARD DEDUCTION

Mr. YARBOROUGH. Mr. President, the first study of the tax system since the tax reductions and reforms of 1963 and 1964 was released yesterday by the Brookings Institution.

I have not yet had a chance to read the whole study, but the newspaper accounts have been highly enlightening. Joseph A. Pechman, the author, found that one of the fairest ways to help lower-middle-income families, at a relatively modest tax loss to the Government, would be to increase their standard deduction. As one who has for years advocated an increase in the standard deduction, I am glad to see support for this proposal coming from the results of an impartial economic analysis.

Mr. Pechman made several recommendations which deserve careful consideration. In his opinion, one of the best ways to help all low-income persons would be to increase their standard deduction. In this regard he advocates measures which would have the effect of removing entirely from the tax rolls single persons having inocmes of $1,200 or less, married couples having incomes of $2,000 or less, and couples having two children and incomes of $3,600 or less. The cutoff point would move higher with more children.

Mr. Pechman's analysis, which shows us what effect our tax system is actually having on the taxpayer, whether married or unmarried, rich or poor, should serve a very useful purpose in suggesting ways of making the system more equitable and more efficient in furthering desirable national goals.

I ask unanimous consent that an account of the study, published in the September 12, 1966, New York Times, be printed at this point in the RECORD.

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

TAX STUDY FINDS SINGLE PERSONS PAY UNFAIR RATES—ECONOMISTS, IN FIRST SURVEY SINCE 1964 BILL, ALSO CALLS EXEMPTIONS INEQUITABLE

(By Eileen Shanahan)

WASHINGTON, September 11.—The income tax law discriminates heavily against single persons not only in its rates, but also in the system of personal exemptions, a noted tax economists said today.

He is Joseph A. Pechman, director of economic studies for the Brookings Institution, who has made the first complete study of the tax system since the tax reduction and reform bill was enacted in 1964.

Among his other findings were these:

Persons with annual incomes between $100,000 and $200,000 pay higher taxes proportionately than any other group, and notably more than persons with annual incomes of $1-million or more.

Tax provisions to help the aged actually help well-to-do older persons considerably more than they help those in modest circumstances.

One of the fairest ways to help lower-middle income families, at a relatively modest tax loss to the Government, would be to increase their standard deduction.

The plight of single persons was discussed at length in Mr. Pechman's study. He said the "split income" provisions of the tax law, which permit married couples to pay substantially lower rates than single persons, were unfair.

EXEMPTIONS ASSAILED

Under the split income provision, married persons are allowed to treat their income as though each partner had earned half of it. The tax rate imposed is the rate that applies to half the total income.

The split income provision is justified, Mr. Pechman said, on the ground that married couples have heavier expenses, particularly the expenses of raising children. But even married couples who have no children are allowed to split their incomes for tax purposes, he noted.

He also argued that the personal exemption of $600, which can be claimed by each taxpayer for himself, his spouse and dependents, was unfair to single persons.

The system assumes, he said, that it costs twice as much for two persons to live as it does one. This, he said, is not so. Studies of family budgets indicate that it costs about three-fourths as much for one person to live as it does for two, he said.

The taxes paid by the wealthiest persons are relatively small primarily because of the special treatment for capital gains, the study found. Capital gains—investment profits—are taxed at half the rate of other income or 25 per cent, whichever is lower.

Extremely wealthy persons have such large capital gains, Mr. Pechman found, that those with annual incomes of $1-million or more actually pay out only 26.7 per cent of their total income in Federal income taxes.

This is a smaller proportion than that paid by any group with incomes between $100,000 and $1-million, and is only fractionally higher than the proportion paid by those with incomes between $50 and $100 thousand.

The top tax rate, under the 1964 law, is 70 per cent. This applies to incomes of $200 thousand or more for single persons and $400 thousand for married couples. Under this rate, if there were no special tax provisions, persons with incomes of $1-million or more would pay 69.3 per cent of their total incomes in Federal income tax.

The typical family with a total income between $6,000 and $8,000 pays 8 to 9 per cent of it in Federal income taxes. From that level of income to the $200,000 mark, the percentage paid in income taxes rises steadily to 29.1 per cent in the $150,000-to-$200,000 bracket. After that, it falls.

Mr. Pechman did not argue that the preferential tax treatment of capital gains should be abandoned. But he did urge that capital gains be taxed when the property was transferred to the owner's heirs upon his death. Congress has refused to tax them, although President Kennedy proposed this in 1963.

Mr. Pechman said that the double exemption for the aged—the non-taxable status of Social Security payments and the special tax credit for other retirement income—benefited aged persons with high incomes more than those with low incomes.

"It would be fairer," he said, "to remove the additional exemption for age, make retirement income fully taxable, and use the revenue to raise Social Security benefits for all the aged."

One of the best ways to help all low-income persons would be to increase their standard deduction, Mr. Pechman said.

He proposed increases that would have the effect of removing entirely from the tax rolls single persons with incomes of $1,200 or less, married couples with $2,000 or less and couples with two children and incomes of $3,600 or less. The cutoff point would move higher with more children.

This change would cost the Government only about $1.8-billion annually in revenue, Mr. Pechman said, compared with the $5.5-billion cost of raising the present $600 exemption to $800 for everyone, which has frequently been proposed.

URGENCY OF PASSAGE OF CIVIL RIGHTS BILL

Mr. MONDALE. Mr. President, it is essential that the civil rights bill pass the Senate at this session. We are not dealing with some distant goal which can be achieved as well next year as this. The passage of the bill is a matter of prime national urgency.

If there is to be any hope of moderation in the solution of our racial problems, we must prove that Government can move effectively to close the gap between the goal of equal rights for all and the reality of discrimination. The bill contains practical measures toward providing equality in the administration of justice and in the opportunity for obtaining good housing. The passage of the bill would strengthen the hands of those who claim that the democratic and peaceful processes of our Government are able to cope with the pressing need for action in civil rights. Failure to pass the bill will only play into the hands of those who are preaching that nonviolent processes cannot do the job. Such a failure will cause good men to lose faith in their Government.

The denial of equal justice is one of the areas where the Nation most shockingly falls short of its promise of equality and fairness. It is also one of the most frustrating and dangerous areas of all. Our Constitution, which leaves many rights to implication, is specific in guaranteeing due process of law and equal protection of the laws. It does this in recognition of the fact that injustice must be corrected at law; otherwise, the victim is left to seek revenge by force. Equal justice is central to a peaceful and ordered society.

We have seen enough of unequal justice in our society. Murderers of civil rights workers or Negroes are tried by all-white juries and go free. Negroes tried for crime face equally all-white juries, and conviction follows, especially if the crime has any racial connotations. If we are shocked by this sordid spectacle, think how it must grind away, day and night, at the Negro for whom the law becomes a threat rather than a protection.

Titles I and II of the bill would effectively end jury discrimination in Federal and State courts. Title V would make it a Federal crime, with appropriate penalties, to intimidate or harm persons in the exercise of their civil rights. These provisions would redeem the word of our Government that all men are entitled to receive equal justice. We cannot afford to leave that pledge unfulfilled.

The other area of pressing need is in housing. The pressures mounting in our segregated ghettos need no illustration; they are all too apparent to anyone who reads the newspapers.

Title IV of the civil rights bill is a modest measure indeed. My own State of Minnesota, like several others, has an open housing law which is broader in its application than title IV. Experience with Minnesota's law shows that it certainly does not revolutionize housing patterns, and title IV would not either. But it would at least offer a glimmer of hope to Negroes who now have no escape at all from the ghetto—and a glimmer of hope, however faint, is badly needed in the steaming pressures of our slums.

To turn our backs on title IV, a measure which covers less than half of the Nation's housing, is to say an unqualified "no" to the problems of the ghetto. But the problems will not go away merely because we refuse to act upon them. If we simply preach peace and pass the buck, our failure will pursue us all.

The proposed Civil Rights Act of 1966 must become law if we are to answer the demands of the day, and of many days to come.

THE ARMS RACE

Mr. McGOVERN. Mr. President, the distinguished editor of the Saturday Review of Literature, Mr. Norman Cousins, has written a most significant editorial which appears in the September 10 issue of the Saturday Review.

The article spotlights the barrier to further progress on disarmament and nuclear controls. I think it should be read by every Member of the Congress and by those in policymaking positions in the executive branch.

I ask unanimous consent that Mr. Cousins' editorial 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 Saturday Review, Sept. 10, 1966]

THE PRESIDENT AND THE ARMS RACE

For almost nine months, delegates from eighteen nations met in Geneva under the auspices of the United Nations to try to find a way of giving reality to a proposition that all believed to be essential. The proposition was that the spread of nuclear weapons must be stopped. Yet the common purpose that brought these delegates together was not accomplished. They adjourned last week without the agreement that all had declared to be in their own stark self-interest.

One of the difficulties was that the nations with a potential nuclear capacity did not think it fair to be asked to forgo making nuclear weapons unless the nations already making them would agree to stop doing so and would start to cut back.

This particular problem, however, was not the major sticking point at Geneva. The major sticking point was that the United States and the Soviet Union were deadlocked on the question of West Germany. The United States insisted that any treaty limiting the spread of nuclear weapons had to take into account existing U.S. commitments to its military alliances. The USSR interpreted this position to mean that the U.S. wanted a non-proliferation treaty that would make an exception for Germany.

As the Geneva deadlock continued month after month, the terrifying possibility of a world nuclear arms race became increasingly close. Finally, a possible compromise was advanced—not in the Palais des Nations at Geneva but in the United States. Secretary of Defense Robert S. McNamara acknowledged, tacitly at least, that the concern over West Germany's access to nuclear force had to be met. He proposed a consultation procedure inside NATO which would give West Germany a voice in nuclear decisions but which would keep nuclear weapons out of German hands.

Many of the delegates at Geneva were encouraged by this proposal. They felt it represented a good test of Soviet sincerity; if the Russians really wanted to stop nuclear diffusion in the world, the McNamara formula offered a reasonable and workable way of getting on with the job.

But the Soviet position was never put to the test. Incredibly and inexplicably, the United States made no attempt at Geneva to put forward the McNamara compromise proposal. An apparent division among U.S. policy-makers had come to the surface. Confronted with an opportunity to break the deadlock, the United States backed away. The Geneva conference ended without the agreement that all agreed was imperative.

Why? Why did the United States shun the formula on West Germany that might have produced a treaty? A possible clue came last week when a U.S. State Department disarmament consultant, on a television program, asserted that the State Department didn't go along with the McNamara proposal because it would encourage the Russians to believe that they could vibrate American policy and impair our freedom of decision. That is, we should not give weight to Russian objections just to obtain agreement. With equal emphasis, he declared that the McNamara formula would offend West Germany.

The same day this interpretation of U.S. policy was being advanced, President Lyndon B. Johnson, speaking at Idaho Falls, made an eloquent and striking plea to the world's nations to stop the spread of nuclear weapons. He called statesmen to rise above narrow, irrational approaches to world problems. He defined a larger interest than the old and cramped national ones. He urged the Soviet Union in particular to put aside the "dogmas and the vocabularies of the Cold War."

"While differing principles and differing values may always divide us," the President said, referring to the United States and the Soviet Union, "they must not deter us from rational acts of common endeavor."

The juxtaposition of the record at the Geneva Conference with the remarks of the State Department consultant and the President's talk at Idaho Falls raises somber and disquieting questions. Is the consultant's interpretation correct? For if it is, then the nation is faced with something far more serious than the matter of tactics in negotiating with the Soviet Union; it is faced with an issue bearing on the integrity of the Presidency. Nothing could undermine the President's position more than a situation in which he calls upon other nations to take action which the United States has actually rejected for itself in advance. Cynicism is not among the values that give distinction to American history.

The first essential both of policy at home and policy abroad is the total credibility of the President. Nothing could be more vital in the present situation than for the President himself to dispel any doubts that may have been raised by the record at Geneva or by official or semi-official spokesmen. The President can best do this by taking part in the effort to obtain vital agreement in the field of arms control, whether with respect to non-proliferation of nuclear weapons or a comprehensive ban on nuclear testing. He can eliminate existing confusion by putting into action the policies he has declared to be essential. If the McNamara proposal has virtue as a means of breaking the deadlock, he should say so.

Recent history has demonstrated it is only when the President himself takes direct part in negotiations that important breakthroughs and results are likely to be achieved. What happens otherwise is that the President's own announced purposes stand in danger of being nibbled to death by naysayers and cramped strategists in the operational branches.

The needs described by the President at Idaho Falls are the dominant needs affecting the safety and security of the American people. If we are to make substantial progress in meeting these needs, the President's role must be decisive.

COLUMBUS, GA., ENQUIRER DISCUSSES EFFECTS OF CIVIL RIGHTS LEGISLATION

Mr. TALMADGE. Mr. President, I bring to the attention of the Senate an excellent editorial from the Columbus, Ga., Enquirer discussing the so-called Civil Rights Act of 1966. The editorial is both discerning and timely in its discussion of the proposed legislation.

The editorial recounts previous struggles over bills of this kind and notes quite correctly that whatever the proponents of those measures said they were not intended to do very often turned out being done, the net result being to deprive American citizens of more rights and liberties than were purportedly granted to anyone. Moreover, legislation of this type in the past has certainly been no panacea in the area of human relations, as the editorial points out.

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 Columbus (Ga.) Enquirer, Sept. 9, 1966]

LIGHT WITH THE SOUND

Senate debates on civil rights bills are traditionally a means of consuming time rather than changing minds.

But the Senate opponents of the 1966 Civil Rights Bill actually have hopes that their extended arguments will provide light as well as sound, and will rise above the level of a calculated filibuster.

Unhappily, in the past, neither side has paid much attention to the arguments on civil rights bills, no matter how logical or judicious they were. Minds snapped shut at the mere mention of the bill's title.

The stock reaction of civil rights supporters is to claim that opponents are "reading too much" into the bill and are suffering hallucinations about its intentions.

For instance, during debate on the 1957 bill, Sen. RICHARD RUSSELL raised the specter of federal troops being sent to enforce school integration.

"Ridiculous," cried the bill's supporters.

A few weeks later, the paratroopers landed in Little Rock.

The 1963-64 bill was supposed to get the "racial struggle out of the streets." Opponents expressed fear that passage of the bill under duress of mobs would encourage similar mob tactics in the future. Not so, said the backers.

Opponents kept complaining that the bill would give the Department of Health, Education and Welfare the right to withhold federal funds on a whim.

Fiddlesticks, replied the backers, our boys at HEW aren't like that.

But you might ask the superintendents of 50 Georgia school systems—some of them among the most heavily integrated in the state—who still haven't been approved for funds this year.

Now comes the 1966 bill, with its "open housing" clause.

Sen. RUSSELL, the old ringmaster of anti-civil rights battles, has picked up a valuable new ally this year, and he's letting him carry the ball for the time being. The ally is Sen. EVERETT DIRKSEN, Republican minority leader.

Southerners have usually fought their civil rights battles without open support of senators from outside the South. They'll have some help this year.

But as in the past, the arguments of law and constitutionality will be dismissed by civil rights supporters as merely a mask for segregationist sentiment.

To an extent, that is true, but it is far from the whole truth. There ARE honest and sincere and serious questions involved which affect everyone's rights, and also the future structure of the democratic system.

The quest for legal protection of Negro rights and the elimination of racial barriers is itself a type of mask—a mask that covers a bewildering growth of governmental authority and responsibility in a nation that has previously emphasized individual choice and initiative.

The problem is not one which lends itself to easy catchwords or simplifications. Justice and wisdom reside on both sides of the civil rights debate. So does honor. It is not a dispute between bigots and wild-eyed radicals, but between sincere advocates seeking a solution to a dilemma which has baffled nations and cultures since the dawn of time.

A short view might favor passage of the current bill, but a long view advises that the liberty and strength of this nation and its competitive system will be best served by resisting further governmental solutions to personal problems.

SCHOOL MILK PROGRAM SUPPORT ESSENTIAL

Mr. PROXMIRE. Mr. President, in fiscal 1964 the national investment in research and development was estimated at $19 billion. Two-thirds of this was from Federal sources. Some of the research supported was of the most basic kind. In other words, it was not done to meet particular needs for, say, a cancer cure or a bigger and better rocket booster. Rather it was intended to look into basic questions such as the life process and the expansion of the universe—questions whose answers will have no particular application but will serve as important blocks of knowledge on which to build the scientific advances of the future.

In fiscal 1967 the administration budgeted $185 million for basic research project grants to be awarded by the National Science Foundation. Although funding basic research is important and necessary, I seriously question the wisdom of a $65 million jump in this item from the fiscal 1965 total of almost $120 million, especially at a time when we are seemingly unable to continue the special milk program for schoolchildren at past levels.

The milk program provides the most immediate kind of benefits for each tax dollar spent. It means healthier lives for a great number of the Nation's schoolchildren. It means less pressure on the Federal Government to purchase and store surplus milk at the taxpayers' expense. And it means better income for dairy farmers as the consumption of milk at school is stimulated.

If the Federal Government is to continue to play an important role in sponsoring basic research, it must not turn its back on the very practical problem of providing enough funds for the school milk program, as well as other federally sponsored social help programs, to prosper and grow. This is why I intend to fight for the appropriation of at least an additional $6 million for the school milk program in fiscal 1967. This amount is essential if the Federal Government is once again to reimburse local communities under the program at the rate used prior to fiscal 1966.

AMBASSADOR BOWLES' ASSESSMENT OF SITUATION IN SOUTHEAST ASIA

Mr. McGEE. Mr. President, a note of optimism, albeit cautious optimism, has been sounded on the situation in Vietnam by Hon. Chester Bowles. Ambassador Bowles, upon returning to his post at New Delhi following a trip through southeast Asia, expressed his personal assessment of the situation at a news conference August 17. His statement on that occasion is deserving of notice because it represents an intelligent, well-informed view, and because it states the U.S. hope for Asia:

> That the day will soon come when India and the noncommunist nations of Asia will themselves organize an effective effort to assure that the tragedy of Vietnam is not repeated elsewhere.

Mr. President, I ask unanimous consent that the text of Ambassador Bowles' statement in New Delhi on August 17 be printed in the RECORD.

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

CAUTIOUS OPTIMISM FROM VIETNAM

(By Chester Bowles, U.S. Ambassador to India)

I have just returned to India from a week-long visit to Southeast Asia, during which I had a chance to observe at first hand recent developments in Thailand, Laos, and particularly South Vietnam.

These three countries, as you know, are now the immediate targets of communism in Southern and Southeastern Asia. My purpose in visiting them was to make a personal estimate of how well they are standing up to this pressure.

I would like to add that this was my sixth visit to Southeast Asia in fourteen years, and that I return to India much encouraged.

In Laos the situation has improved dramatically in the past two years, largely as a result of the present Prime Minister's determination to keep his country from being swallowed up by communist elements. Although the communist-led forces still control nearly one-third of the population, they are steadily losing ground.

Thailand, which has been publicly named by the Chinese Government as the communists' next Southeast Asia target, is also taking energetic and constructive steps to meet the threat.

In the Northeastern part of the country, Government forces are vigorously hunting down Chinese-trained communist saboteurs and assassins who have been sent into the peaceful villages of this area to disrupt and to destroy.

In support of this rural security programme, Thai Government, with the support of the United States, is pressing forward with intensive economic and social development programmes even in the most remote sections of the country.

In South Vietnam, a 1,500-mile trip by plane, helicopter, and jeep, covering many outlying provinces, left me cautiously optimistic. Although the military struggle is still intense, it is now clear that the South Vietnamese armed forces, vigorously supported by American and other allied units, are steadily gaining ground.

The officers and men of the four divisions we visited in the field offered impressive evidence that in the last year, and particularly in the last six months, they have been

successfully wearing down their communist adversaries.

This claim was fully borne out by my own observations. For instance, in a rural province sixty miles east of Saigon I drove in a jeep for some fifteen miles through countryside which less than two months before had been under the control of regular Viet Cong units.

However, we must not forget that North Vietnam has sent forty to fifty thousand of its regular army troops into South Vietnam both by way of the Ho Chi Minh trail through Laos and directly across the demilitarized zone which divides North and South Vietnam. These are professional soldiers who fight in uniform and are armed with the most modern Chinese weapons.

Therefore, unless the Hanoi Government can somehow be persuaded to negotiate a peaceful settlement, it will be some time before the military situation can be stabilized.

Another dimension of the South Vietnamese Government's massive effort to establish political stability, which I had a chance to examine at first hand, are the many impressive self-help projects such as the construction of schools, clinics, roads, housing, and central markets.

Training programmes similar to those being developed here in India are also going forward. For example, since my last visit to South Vietnam in July 1963, over 5,500 school teachers have been graduated and training programmes for thousands of civil administrators are well under way.

When you consider that the population of South Vietnam is less than that of the Indian state of Kerala and that a full-scale war is in progress, this is an impressive performance. Although the United States is providing most of the material resources, the effort is going forward under increasingly competent South Vietnamese leadership and direction.

By all odds the most important political development in the period immediately ahead will be the September 11th election for the formation of a Constituent Assembly. This will be the first national election ever held in South Vietnam, and I believe its outcome will be a decisive milestone in the future of Southeast Asia.

For the last several years the Viet Cong, echoed by their Chinese communist supporters, have been attempting to persuade people all over the world that they represent the revolutionary majority of the South Vietnamese whose will is being frustrated by a "reactionary" South Vietnamese Government supported by the "imperialist" United States.

There is already ample evidence that this claim is false. For instance, no important South Vietnamese political or military personage and no South Vietnamese military unit has ever defected to the Viet Cong. On two occasions the Viet Cong have failed dismally in their efforts to organize a general strike.

I believe the September election will offer further evidence that far from representing the sober, hardworking, long-suffering people of South Vietnam, the Viet Cong speak for only a minority who will seek by every possible means to prevent the democratic test of a free election.

In preparing for this election South Vietnam has been divided into 108 electoral districts, plus nine additional seats provided for tribal minority groups, in a procedure similar to the one followed here in India.

Five hundred and forty-two candidates have been registered, which means that about five individuals will contest for each seat. The largest number of candidates are school teachers, closely followed by doctors, labour, business, and rural leaders.

Once elected, this Constituent Assembly will prepare a democratic constitution for South Vietnam. In February, at about the same time that India will be holding its own elections, a fully responsible, representative government will be chosen under this new constitution by another free vote. The present government will then resign and the new one will take its place.

If the September 11th election is held on schedule and a significant number of people in this war-torn country are able and willing to vote, the result will represent a massive democratic repudiation of communist claims and a decisive political victory for the South Vietnamese Government.

Consequently, the communists will do everything in their power to keep the South Vietnamese people away from the polls. Between now and election day we shall no doubt see an intense communist programme of intimidation, assassination, and harassment. Indeed, the campaign was already beginning while I was there last week.

It is expected that more than 500 press representatives from all over the world will be able to witness the election from the vantage point of each of the forty-three provinces and from Saigon and report the full facts to their readers. I hope this press gathering will include many of India's ablest reporters, editors, and commentators.

Speaking more generally, I returned to New Delhi deeply impressed with the increasing determination of the noncommunist nations of East and Southeast Asia to create a solid base for their own security, *vis-a-vis* China, and to assure their own economic growth. Foreign Minister Thanat's recent proposal for an all-Asia conference to bring peace to Vietnam was promptly supported by Japan, the Philippines, Malaysia, and other nations.

I also found considerable interest in India. Several South Vietnamese political leaders asked me about the Indian Constitution and its Parliamentary system, while developmental officials were interested in your programmes in school building, malaria control, agriculture, and small industries.

However, the most pointed questions in Thailand, Laos, and South Vietnam concerned India's broad approach to Asian affairs. Particular concern and interest was expressed in India's view of China. I was frequently asked whether India saw Chinese expansionism simply as a phenomenon limited to the Himalayan area or rather as a threat to all the people of noncommunist Asia.

So much for the situation in Southeast Asia as I saw it. Now let me review briefly my own government's attitude toward the developments which I have described and particularly to the pursuit of a just peace in South Vietnam.

There are several fundamental points:

1. The bombing of North Vietnam by United States planes is restricted to military targets which are being used by Hanoi in support of its aggression against South Vietnam. The U.S. remains prepared to cease this bombing the moment that Hanoi agrees to take some reciprocal action.

2. The United States reaffirms its offer, which it has made on innumerable occasions, to join with others in negotiating a peaceful settlement. We are prepared unconditionally to discuss any proposals which may lead toward a peaceful settlement, including the so-called Four Points set forth by North Vietnam.

For the record, may I remind you that the United States has replied affirmatively to the peace initiatives sponsored or participated in by India. We welcomed the proposals of the nonaligned nations in Belgrade on April 8, 1965. We welcomed President Radhakrishnan's proposal on the 24th of that same month. Again we welcomed Mrs. Gandhi's Geneva proposal of July 8, 1966. The United States has consistently supported reconvening the Geneva Conference and a settlement based on the essentials of the 1954 and 1962 Geneva Accords.

3. The United States does not threaten the existence of the Government of North Vietnam. We hold no animosity toward the people of North Vietnam; indeed, President Johnson has repeatedly pledged our assistance for the economic development of North Vietnam once peace has been restored.

4. The United States has no intention or desire to maintain military bases in Southeast Asia. We are pledged to withdraw our troops from South Vietnam as soon as its security and freedom of choice have been assured.

5. The United States does not oppose the reunification of Vietnam. We support the right of self-determination through the free choice of the Vietnamese people. Similarly, the United States does not oppose the neutrality or nonalignment of the countries of Southeast Asia if that is the course they choose.

6. However, until the communists agree to negotiate a peaceful settlement by one means or another, the United States will continue to support South Vietnam's resistance to aggression. We shall maintain our efforts until the aggression ceases and South Vietnam is allowed to determine its own future, free of outside coercion.

7. This policy reflects the consistent determination of my Government since 1941 to resist aggression in Asia and to create here the basis for stability, prosperity, and freedom.

In World War II this determination caused us to oppose Japanese aggression throughout Asia. It then led to our participation in the U.N. opposition to the communist invasion of South Korea. It led us to defend Taiwan, and in 1962 it brought us promptly to your support when Chinese forces violated India's northern borders.

After this vast and costly effort by the American Government, our abandonment of the people of South Vietnam is unthinkable. Not only would millions of dedicated South Vietnamese be ground under by the communists, but the determination of the United States Government to support and assist the free nations of Asia—including India—would become subject to serious doubt both by these nations and by their communist adversaries.

May I add that we are hopeful that the day will soon come when India and the noncommunist nations of Asia will themselves organize an effective effort to assure that the tragedy of Vietnam is not repeated elsewhere.

MARGARET SANGER: "ONE OF HISTORY'S GREAT REBELS AND A MONUMENTAL FIGURE"

Mr. GRUENING. Mr. President, editorial comments will be written about the late Margaret Sanger henceforth because her concern was for all mankind, and her crusade on behalf of family planning made sense when people listened.

I ask unanimous consent that an editorial and a news story by Martin Tolchin, published in the New York Times of Sunday, September 11, be printed in the RECORD.

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

MARGARET SANGER'S LEGACY

(By Martin Tolchin)

As a young nurse on New York's Lower East Side, Margaret Sanger specialized in maternity cases. She saw women, weary and old at 35, resorting to self-induced abortions which frequently caused their deaths.

Mrs. Sanger nursed one mother, close to death after a self-inflicted abortion, back to health, and heard the woman plead with a

doctor for protection against another pregnancy.

"Tell Jake to sleep on the roof," the physician said.

The mother died six months later during a second abortion. Mrs. Sanger renounced nursing.

"I came to a sudden realization that my work as a nurse and my activities in social service were entirely palliative and consequently futile and useless to relieve the misery I saw all about me."

At that point Mrs. Sanger, who coined the phrase "birth control," began her crusade to free women from sexual servitude, as she saw it.

The fiery feminist, who died last week at the age of 82, survived Federal indictments, a one-month jail term, numerous arrests and lawsuits, hundreds of raids on her clinics and the combined opposition of the Catholic and Protestant churches to see much of the world accept her view that family planning was a basic human right.

OPPOSITION TO APPROVAL

Mrs. Sanger saw Protestant opposition turn to approval. Catholic opposition appears to be all but surmounted. Legal barriers to birth control have all but been removed.

Pope Paul VI acknowledged in a recent interview that he was reappraising the church's teaching on the subject of birth control.

Mrs. Sanger's American Birth Control League, established in 1921, became the Planned Parenthood Federation of America in 1946. The federation today has centers in 150 cities in the United States and 38 member organizations and projects in 88 other countries.

"It was she who convinced America and the world that control of conception is a basic human right and like other human rights must be equally available to all," said Dr. Alan F. Guttmacher, president of the Planned Parenthood Worldwide Association.

MARGARET SANGER

When Margaret Higgins, one of eleven children of a stonecutter, looked around Corning, N.Y., she observed that "large families were associated with poverty, toil, unemployment, drunkenness, cruelty, fighting, jails; the small ones with cleanliness, leisure, freedom, light, space, sunshine." It was only a child's view, but it helped to change the world. As Margaret Sanger she was one of history's great rebels and a monumental figure of the first half of the twentieth century.

The economics of poverty, the limited resources of the planet measured against the limitless capacity of mankind to increase, has at last brought most governments and most religions to recognize the necessity of birth control. But it was for the liberation of women as individuals that Mrs. Sanger began her crusade in 1913. The population explosion had not been thought of when she first published "Woman Rebel," and first went to jail in 1914, and when she opened America's first birth-control clinic in Brooklyn fifty years ago.

The birth-control movement grew out of one woman's outrage at the suffering she saw among the poor. It grew into a view of family planning accepted and practiced in a majority of American homes, a cause widely and wisely promoted throughout the world and an international consensus that population control is necessary to human welfare and global peace.

NEGRO UNEMPLOYMENT

Mr. McGOVERN. Mr. President the distinguished business editor of the Washington Post, Mr. Hobart Rowen, recently authored an important column on the problem of Negro unemployment.

Mr. Rowen calls attention to the disturbing fact that the unemployment rate among Negroes is now 8.2, nearly 2½ times the rate among whites. He makes clear that this situation is close to the heart of the frustrations and difficulties experienced by the Negro in the United States.

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

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

NEGRO UNEMPLOYMENT—IT'S TIME TO OPEN THE DOORS

(By Hobart Rowen)

Probably the most discouraging statistic to come out of the Washington numbers-factory lately is the higher Negro unemployment rate. At 8.2 percent in August, it is nearly 2½ times the white unemployment rate of 3.4 percent. Thus, in the middle of the biggest economic boom in history, the Negro is not gaining, he is losing, in the area in which he needs help most—jobs.

Worst of all, officials say they are at a loss to explain this phenomenon. Until recently, the theory that prosperity would reach out even for the disadvantaged and the unskilled seemed to be proving out. Even the barrel-bottom would get scraped, we were told.

In the early months of the year, Negro unemployment had dropped to around 7 percent, still double the white rate but a considerable improvement from the level of the spring of 1965, when it was 8.6 per cent. At least, the jobless total was coming down in step with the general trend.

But the situation since May has deteriorated: while unemployment continues to edge down among whites, it has moved up considerably among Negroes. Nor is it a question just of the teenager problem. That is simply the worst spot of all, with an unemployment rate of 27 per cent among Negro youth.

The worsened job outlook is among Negro men, Negro women, as well as among Negro teen-agers. It runs through all industries, and in all sections of the country.

There are a number of unhappy developments contributing to the situation, in the opinion of worried and well-informed persons in Washington.

First of all, the drive in private industry to hire Negroes apparently has lost steam, in part, perhaps, because national attention has been diverted from civil rights to Vietnam. Moreover, the Equal Employment Opportunities Commission never developed into a tough, viable agency. Since May, it has been without a chairman. Now, under Stephen N. Shulman, former general counsel of the Air Force, it may get going again.

It should be acknowledged, at the same time, that many companies have made honest efforts to recruit—and have been rebuffed. They must keep trying, for it's hard to undo in a few years the damage done in a century.

Second, as a recent Labor Department study shows, industry and commerce is expanding in the suburbs, not in the central cities. Job opportunities have thereby been exported to suburbia, where segregated housing patterns prevail. Thus, it becomes increasingly difficult for Negroes to find the jobs and pay their way to them.

And finally, the industrial job expansion which is at the heart of the boom is probably calling for skills or the ability to learn that many of the disadvantaged Negroes simply do not have.

White society has kept the Negro in the ghetto so long that it is not surprising that many are beyond recall. Some of the current poverty programs amount to no more than a massive dole designed to keep a lid on a powder keg.

But there are plenty of things that must be done. Employers who have rested on their laurels, pleased as punch because they've hired one or two Negroes, need to be pushed again into a vigorous, positive effort to find, hire and train.

In the short run companies escaping to suburbia may do well. But in the long run, if business shifts to the suburbs while the ghettoes remain intact, they are risking a period of unrest—even revolution—that will make the 1965–66 riots look pale.

What business had better do is to back open housing programs in the suburbs. More money will have to be spent on basic education and training programs.

The Government, for its part, needs to dig deeper into the various root causes for Negro unemployment. In all probability, the situation is probably even worse than portrayed. A special Labor Department survey for March, for example, showed 150,000 Negro men aged 25 to 64 in the big city slums not even looking for work—and therefore not counted among the unemployed.

For too long, this country has been divided into two economies. There is the first-class one, where there is a boom, fancy cars, good clothes, and worry about yesterday's Dow-Jones closing stock average.

And then there's the other economy—of hunger and hate and unemployment. Those of us in the first class section had better start opening the doors.

THE USIA—AN INFORMATIVE REPORT

Mr. SYMINGTON. Mr. President, the U.S. Information Agency recently filed its 26th semiannual report to Congress.

In the foreword, Leonard H. Marks, who this month observes his first anniversary as Director of the USIA, states:

As man's ability to create weapons of ultimate terror becomes more widespread, we who inhabit this small planet must devote more of our energies to the critical race between communication and catastrophe.

Philosophically and factually, the report presents the activities of the USIA in telling America's story to the world. The facts and figures are impressive: USIA has, during the period of January through June 1966, broadcast 845 hours weekly in 38 languages to an estimated worldwide audience of 25 million daily; exhibited its motion pictures to 350 million people in 120 countries; placed its television programs on 2,082 TV stations in 94 countries; produced 400,000 leaflets and pamphlets a week in 47 languages for use in 115 countries; published more than 1,300,000 copies per month of 24 magazines in 29 languages for distribution in 90 countries; assisted foreign publishers to produce 6 million copies of 799 different books, including translations; operated 223 libraries and reading rooms, which were visited by over 12 million people.

It is interesting to note that Mr. Marks states in the report:

As I consider the past year, I find no reason to change the basic philosophy which I brought to this assignment. It is expressed in five words: "truth is our best propaganda."

Two other items of particular interest are accounts of dollar savings in USIA activities and of efforts to strengthen foreign language skills of USIA officers.

I invite the attention of the Senate to this report in the belief that they also will find it informative.

DEATH OF C. E. WOOLMAN, FOUNDER AND CHIEF EXECUTIVE OF DELTA AIR LINES

Mr. TALMADGE. Mr. President, the Nation was saddened by the death Sunday of C. E. Woolman, founder and chief executive of Delta Air Lines.

In his untimely passing, Georgia lost one of its finest citizens and the airline industry one of its great pioneers. He will be sorely missed by his loved ones, friends, and associates.

I ask unanimous consent that Mr. Woolman's obituary in Monday's edition of the Washington Evening Star be printed in the RECORD.

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

C. E. WOOLMAN, CHAIRMAN, FOUNDER OF DELTA AIR LINES

ATLANTA, GA.—Recently, C. E. Woolman presented a 20-year service pin to one of his employes and said, "You've done well for a girl who started out in the trash basket."

The employe had nearly forgotten her first meeting with her boss in the early 1940s when she walked into the office and in her nervousness became entangled with a waste paper basket.

Mr. Woolman had not forgotten.

That incident typified Mr. Woolman, a pilot who founded a small crop-dusting firm in 1925 and watched it grow into Delta Air Lines, seventh largest air carrier in the world.

Mr. Woolman always tried to keep in close touch with his employes. When he died yesterday, one of the first telephone calls to the home office here was from a Birmingham, Ala., porter who started with the company in 1934.

MAIL-LOADING RECALLED

"Me and Mr. Woolman used to load the mail together," he said.

Mr. Woolman, 76, died in Methodist Hospital at Houston, Tex. Death was attributed to a heart attack. He had been making a satisfactory recovery from abdominal surgery Sept. 4.

Survivors include two daughters, Mrs. Sam Preston and Mrs. Martha Taylor, both of Atlanta; a sister, Mrs. Rachael Woolman Simpson of Urbana, Ill.; a niece, Mrs. Delmer Murphy of Wilmington, Del.; and five grandchildren, all of Atlanta.

Funeral services will be held tomorrow morning at the First Presbyterian Church in Atlanta and burial will be in Atlanta's Arlington Cemetery.

BOARD CHAIRMAN

Mr. Woolman was elevated to the chairmanship of Delta's board and to chief executive officer last year. He had been company president and general manager.

He was born on the campus of Indiana University, the son of a college physics professor. He spent most of his younger life, however, on the University of Illinois campus, an institution he attended.

In 1910, he worked his way across the Atlantic on a cattle boat to attend the world's first aviation meeting in Rheims, France. It was this event to which he attributed his leaning toward aviation.

In 1925, after serving as a county agricultural agent and managing a 7,000-acre plantation in Louisiana, he founded a crop-dusting firm to combat the boll weevil that threatened the South's cotton economy.

THE ELECTION IN VIETNAM

Mr. YARBOROUGH. Mr. President, yesterday the people of the Government-occupied sections of Vietnam dealt a shattering blow to the Vietcong.

Yesterday, the people of the Government-occupied sections of South Vietnam gave Ho Chi Minh one of the worst defeats of his life.

Yesterday, the people of South Vietnam who were free to vote moved a giant step in the direction of popularly elected, constitutional government.

Yesterday, the people of South Vietnam in areas where they could vote reinforced the faith of Americans who have all along believed that the people of that wartorn land wanted nothing more than freedom to make their own way and to build their own country.

Yesterday, Mr. President, the people of South Vietnam went to the polls, where the polls were open, giving them a chance to vote.

They went in overwhelming numbers. If the latest reports are correct, over 80 percent of the eligible voters in that portion of South Vietnam where the polls were open, cast their ballots for their choice of candidates to a constituent assembly.

It was not an easy thing to do. It was not easy for the voters—and it was not easy for the candidates.

The candidates ran for seats in the Assembly at the risk of their lives. Many of the voters cast their ballots under the same threat.

The Communists had set out to use every technique of violence at their disposal to make the elections impossible. Their entire propaganda apparatus of the Communists in South Vietnam and in Hanoi and in the rest of the Communist world was directed to discourage participation in the voting.

Candidates received threatening phone calls and letters. And some were visited by Vietcong agents. The message was simple—and brutal: pull out of the election, or you will be killed. Yet, of the more than 500 candidates, not 1 withdrew his name because of this harassment.

The people were threatened, too. Vietcong agents fanned out through the countryside. They called at village houses in the dead of night. And the message was repeated and repeated again: Do not vote.

But the people did vote. When election day came, they trooped to the polls in huge numbers. They rode buffaloes, and they walked. They rode buses. They used every available means of transport. But they got to the polls—more than 4 million of them.

And even as they went to vote, the Vietcong kept up the pressure. Down in the Mekong Delta, it is reported this morning, a hundred voters or more were walking down a road to vote. The Vietcong opened up with sniper fire. The people ducked. Three of them were hit and died on the spot, according to reports, but the rest kept going, and they voted.

In an off-year election, we can expect about 39 percent of our eligible voters in the United States to turn up at the polls. And no one is shooting at us. So when more than 80 percent of the eligible Vietnamese appear at the polls when they were open in South Vietnam, freemen here and everywhere can only be filled with wonder—and with pride at the courage of another people in a faraway place.

I wonder, Mr. President, what Ho Chi Minh is thinking this morning. What happens now to his claim that the Communists represent the voice of the South Vietnamese people in the Government areas? What does he now tell the young men from the North whom he has sent into South Vietnam? What does he now tell those he promised would be welcomed as "liberators"? For the overwhelming voice of the people of the free areas of South Vietnam has spoken. And it has said: "We do not want you. We want to rule ourselves."

Yes, Mr. President, the people of the South Vietnam areas not under Vietcong control have taken an important step in the direction of building their own political life.

But let us remember that it is but a step, not the entire journey. The new Assembly has the responsibility for writing a new constitution. Next will come the creation of executive and legislative organs to conduct the day-to-day business of government. And we can expect elections for those new political institutions early next year.

There are as yet no national political parties—around which the loyalties of men and women, and the political life of the South Vietnamese can be assembled. This is another major task that lies ahead.

We who remember our own history know the travail and the difficulties we passed through in shaping a nation and in developing the parties and the institutions of government that met our needs and our desires. This is the work of decades, not of months.

So let us be patient with our South Vietnamese friends—for they have hard work ahead and a long path to travel.

But yesterday, they moved ahead down that path—with courage and with hope.

Let us ask ourselves whether this would have been possible yesterday if the role we have played had been different.

Without the wisdom of a determined President—without the sacrifice of brave American men—without our military and economic assistance—would there have been an election in any part of South Vietnam yesterday?

The answer is obvious to us all.

So let us take new heart—let us take hope—that the basic course we are pursuing is the right one, even if there are individual mistakes and tragic misunderstandings.

For we are helping a brave and determined people—a people who want to be free to make their own choice. I believe that we are making progress, and if we do not escalate this war into Cambodia or North Vietnam, peace may be closer than we think.

Let us hope that day is near.

NATIONAL REDWOOD PARK A BIT NEARER TO REALIZATION

Mr. KUCHEL. Mr. President, last Thursday, the chairman of the Committee on Interior and Insular Affairs, the distinguished Senator from Washington [Mr. JACKSON], and I jointly announced at a press conference that the lumber companies in northern California, operating in the proposed National Redwood Park areas, had all voluntarily announced that they would not cut any redwoods in such areas.

Congress may therefore proceed in its next session to consider Redwood Park legislation as recommended by the President.

All conservation groups are agreed that a National Redwood Park is in the national interest. There is, however, disagreement on size and location.

I made a statement last Thursday on this matter, and I ask unanimous consent to have it printed in the RECORD.

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

STATEMENT BY SENATOR KUCHEL

The public interest of the American people is well served today and the cause of sound conservation has been advanced. We are a little nearer to the creation of a Redwood National Park because of the voluntary action of the lumber industry. Congress may proceed next January to consider Redwood Park legislation. Meanwhile, the giant and ancient trees in the proposed park sites are in no danger.

Miller Redwood Company has agreed to stop cutting the redwoods from along the south boundary of the Jedediah Smith State Park. It will simply carry on its logging operations in other parts of its properties, which is all we sought at this time. It has agreed that until Congress has had a reasonable time to act on Redwood National Park legislation, it will not cut in the prime areas of aged virgin redwoods. It will not shut down during this period; no one will be out of a job.

To their great credit, the redwood companies which operate in the area proposed by the Sierra Club for a park have announced that they will voluntarily, and at no cost to the American people, adjust their cutting operations so that the park value of the Redwood Creek watershed will not be defaced pending action on a Redwood National Park bill. These companies are Georgia Pacific Corporation, Simpson Timber Company, and Arcata Redwood Company.

In its telegram to me this morning, Georgia-Pacific Corporation stated:

"It has been the long-standing policy of Georgia-Pacific Corporation that the special interests of the Corporation, its employees and their families must be sacrificed if the national interest requires it." I salute it.

Miller-Rellim apparently will cut about 100 acres of what it describes as "non-park quality" trees this winter, but it has agreed to consult with the National Park Service on the location of this cutting. It has also agreed to consult with the Chairmen of the House and Senate Interior Committees before moving back into the prime stands about which I have been concerned over recent months.

As the Chairman has indicated, we can look toward early passage of a Redwood National Park bill in the next session of Congress. Areas of disagreement still exist on where and how big the park should be. The Save-the-Redwoods League, the National Audubon Society, the California Division of the Izaak Walton League, the National Geographic Society, Mr. Laurance Rockefeller, and other distinguished conservationists favor the bill which I introduced on President Johnson's recommendation. Governor Brown of California also favors this bill. The good people of the Sierra Club and other conservation organizations favor a vastly larger park located in a different area.

I believe the national interest requires a great Redwood National Park for the benefit and enjoyment of the American people. I also believe that the national interest requires the conservation organizations of this country to set aside their differences and to agree on a park site which will do justice to the majesty of these centuries old trees, while protecting the timber-based life and economy of the north coast region of my State of California.

HOW NEW MEXICO SCHOOLS ARE USING FEDERAL FUNDS TO MEET LOCAL NEEDS

Mr. MORSE. Mr. President, in the September 1966 issue of the NEA Journal there appears over the byline of Mr. Byron Fielding an article entitled "How New Mexico Schools Are Using Federal Funds To Meet Local Needs."

This article is an excellent review of the program being carried out in one of our great States. I was particularly struck by the comment Mr. Fielding reports from a local superintendent to the effect that "I have never seen a Federal program implemented so quickly. Title I is the best thing that has happened to education in this State."

I ask unanimous consent that the article to which I have alluded be printed at this point in my remarks because I feel that it can be most helpful to my colleagues when later we consider amendments to Public Law 89–10 at the time S. 3046 comes before the Senate.

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

HOW NEW MEXICO SCHOOLS ARE USING FEDERAL FUNDS TO MEET LOCAL NEEDS

In the summer of 1965, no one in the U.S. Office of Education or in the various state departments of education could say exactly how Title I of the new Elementary and Secondary Education Act (PL 89–10) was going to work. The $1.16 billion Congress authorized for Title I had to be used for projects that would meet the special educational needs of "educationally deprived children." Each eligible local school district was notified of the maximum amount of funds available to it under a formula based upon the number of educationally deprived children it had and the average educational expenditure per child in its state. It was left up to the local school district to submit project applications for approval by the state department of education, which was then empowered to make grants within the limit of the maximum amount of funds available to the particular district.

The big problem in New Mexico, as elsewhere, was preparing the local school districts to submit projects that would be acceptable for Title I support. Local school officials were uncertain about whether the law was to be narrowly construed, requiring projects that would involve deprived children exclusively, or whether it would permit flexibility, allowing for such general improvements as increased library services and reduced class sizes. To compound the problem, Congress was late in appropriating funds, so that superintendents did not know until after school had opened last fall how much money their schools would be eligible for or where they were going to find the additional staff they would need to carry on the proposed projects.

Fortunately, Charles H. Wood, late executive secretary of the New Mexico Education Association, had anticipated many of these problems. As early as May, he had prepared and distributed a booklet giving a complete description and analysis of PL 89–10, with an accurate estimate of how much money each district in the state would be eligible for under the Title I formula.

The booklet also contained lists of suggested projects for helping educationally deprived children.

"As an organized profession," NMEA said in the booklet "we believe that the state agency and the administrations of local school districts do not have the full responsibility for carrying out the provisions of this Act. Teachers and those on the firing line should take an active part in developing programs and helping implement the Act."

After schools let out for the summer, NMEA field people and the two NEA West Coast representatives held a series of conferences throughout the state with local association leaders and others to prepare teachers for participating in Title I planning.

Similar meetings for superintendents throughout the state had been called by State Superintendent of Schools Leonard J. DeLayo. Mr. DeLayo, incidentally, had cancelled all summer leaves for the state department staff so that they could study the guidelines published by the U.S. Office of Education and interpret them for the local school districts. (The state superintendent and his staff have since been commended by the U.S. Commissioner of Education, Harold Howe II, not only for the speed with which they brought the benefits of Title I to the children who need it, but also for "the imagination and enthusiasm that prevades the entire program" in New Mexico.)

As a result of this kind of preparation, eighty-nine of New Mexico's ninety eligible school districts during the past school year had one or more new programs supported entirely by Title I funds. The funds have been used to supply children with everything from new library books to the eye glasses some of them need to read the books.

"I've never seen a federal program implemented so quickly," says a local school superintendent. "Title I is the best thing that has happened to education in this state."

Because of New Mexico's "three cultures"—Indian, Spanish, and Anglo—Title I projects have had to be tailored to meet a variety of local needs.

Take the matter of teaching reading skills, for example. Practically every district is using some Title I money for development of reading skills. West Las Vegas, a predominantly Spanish speaking community, is using the Miami Linguistic Series, which was originally developed to teach reading skills to Cuban refugee children. Bloomfield, which has a number of disadvantaged Navajo and Anglo children, as well as Spanish, has been using *Words in Color* to teach early reading skills.

Pecos, one of the smallest school districts in the state, used Title I money for quite a different purpose: It purchased a four-wheel-drive school bus to bring children to school from a remote, poverty-ridden community in the Sangre de Cristo Mountains. The only road into the community is a dirt logging road which snow, rain, or even a slight drizzle can make impassable for conventional vehicles.

An interesting Title I experiment is taking place in West Las Vegas, in grades one through five, where Spanish is being taught to pupils whose first language is Spanish.

"The children's Spanish is not very good, though," says the teacher, Humberto Gurule.

"We want the children to be truly bilingual, but how can we expect them to become literate in English if they are illiterate in their own language?"

Although Mr. Gurule uses an audio-lingual approach in his teaching, he also puts a great deal of stress on proper grammatical usage and vocabulary building. Knowing that young children can become easily bored with grammar and word drill, a visitor to Mr. Gurule's class is pleasantly surprised at the hand-waving - eagerness-to-answer atmosphere in the class.

Ray Leger, the youthful-looking, bilingual superintendent, credits this enthusiasm not only to Mr. Gurule's patient teaching methods but also to the delight the children take in being able to use their own language at least one period a day. "It is helping many of our children see for the first time that their own tongue may be used as a medium of instruction," he says.

Other teachers have also commended on the favorable side effects of the elementary Spanish classes. The children who have been taking Spanish seem to find it easier than before to learn other subjects where the instruction is given in English.

In addition to the elementary Spanish classes, West Las Vegas has sixteen other Title I projects, ranging from a course in auto mechanics to music lessons. Music is emphasized because it is as much a part of the children's Spanish heritage as their language.

"We want the children to be proud of their heritage so that they will have pride in themselves," says Litra Romero, the district's music director for the past fifteen years.

Under Mr. Romero's direction, West Las Vegas has begun its first organized music program for the elementary schools. He has also arranged for teachers from nearby New Mexico Highlands University to give lessons in folk dancing, as well as in stringed instruments and piano. All of this comes out of Title I money.

"There is certainly no lack of flexibility in what can be done with these funds," says Superintendent Leger.

This high degree of flexibility was consciously encouraged by the state's Title I coordinator, Mildred K. Fitzpatrick. In helping local school districts plan their proposals, Dr. Fitzpatrick purposely provided no models. "We didn't want to discourage anyone from experimenting with anything that he thought might work in his particular situation," he says.

The great leeway in using Title I funds to nowhere more evident than in the Central Consolidated School District No. 22 in the northwest corner of New Mexico. Central Consolidated takes in some 4,800 square miles of Navajo Reservation; more than 85 percent of its students are Navajo Indians, who for the most part still lead the same pastoral existence that they did in the days of the Spanish governors.

The typical Navajo child suffers not only from the primitive and harsh conditions of life on the reservation but also from an almost total lack of familiarity with the English language and from isolation from the greater society beyond the reservation. Merely getting him to come to school is often difficult, for many Navajos have not yet full accepted the values of formal education.

In order to give the Navajo child an opportunity for an education that will mean something to him, Central Consolidated is spending more than $465,000 in Title I money for a project on arts of communication that begins at the pre-primary level and carries on through high school. The project includes construction of such facilities as a reading and listening skills center, a language laboratory, and an eight-room pre-primary building, which should be ready this month.

In addition, Title I provides badly needed supplementary school health services and two well-balanced meals a day to supplement the Navajo child's monotonous diet of mutton stew. The school health program is run in cooperation with the United States Public Health Service, which has found among Navajo children diseases ranging from tuberculosis to sight-destroying trachoma.

Finally, the school district has sought to spread the word among the Navajos about these new Title I projects, in drawing up the district's proposals, Assistant Superintendent Wallace Cathey made provision for hiring an attendance officer and a Navajo interpreter. The attendance officer is not an old-fashioned truant officer but a college-educated, fully certified teacher. "His job is not to threaten but to inform," says Mr. Cathey.

By having someone to keep track of all the Navajo children in the district, the school system hopes not only to cut the high rate of absenteeism among the Indian youngsters but also to get parents of four- and five-year olds to enroll their children in the noncompulsory pre-primary classes.

Keeping track of all the Navajo children in the school district is no mean feat, however. The Navajos, who are believed to have one of the highest birthrates in the world, have only in recent years attempted to keep accurate birth records. Furthermore, because of perpetual drought and pastureland depleted by centuries of overgrazing, the Navajos have to move frequently in search of new grazing land and watering places for their sheep.

If this were not enough, some Navajo children are in the habit of changing their names whenever it suits them. Thus, at the beginning of a new school year, a fourth-grade teacher may have to go to last year's third-grade teacher to find out who "Richard Begay" or "Joe Garcia" really is as far as his school record is concerned.

The hiring of the attendance officer has resulted in substantial reduction of the absentee rate among the school district's 2,000 Navajo children. The public schools are even getting children they never knew were in their district before, like the eleven-year-old boy who recently showed up in school for the first time.

Until about ten years ago, less than one-fourth of the Indian children in New Mexico were in the public schools. The majority attended schools on the reservations run by the Bureau of Indian Affairs (BIA) and various churches. These schools had the disadvantage of (a) being mostly boarding schools, and (b) being totally segregated and, therefore, not giving the Indian child contact with children living off the reservation.

In order to permit Indian children to attend public schools with non-Indians, the federal government compensates needy public school districts for taking children from nontaxable Indian lands. The policy of the BIA and some churches is to provide schools only in areas not served by the public schools. Nevertheless, in some places they continue to accept children for whom public schooling is available.

"A lot of people seem to think that the Indians prefer having their children educated separately," says William Dwyer, superintendent at Jemez Springs. "The truth, I think, is that they would rather have their children in the public schools if they were sure their children would not be discriminated against."

Jemez Springs has an enrollment that is about 25 percent Pueblo Indian, and Superintendent Dwyer is using the district's Title I money in ways that he hopes will encourage more Indian parents to send their children to the public schools. "I'll take any Indian child who wants to come here," he says.

The emphasis at Jemez Springs is on pre-primary education and language arts. The pre-primary program is designed to get the Indian child at an age when he is receptive to learning what for him is a foreign language and to mixing more easily with non-Indian children. The program has one group coming in the morning and another group in the afternoon with both groups at school together for lunch, which is free.

In order to have an integrated program, Dwyer permits nondeprived children to enroll in the pre-primary groups, provided their parents pay for their lunch and transportation. To keep these children out of the program, Dwyer believes, would be to discriminate against the Indian children.

During the first few weeks of the pre-primary program, a number of mothers came from the Jemez Pueblo to see what the school was up to. Many have since come back to thank Superintendent Dwyer for what the school is doing for the children. Some even stay to assist the two pre-primary teachers on a voluntary basis.

An unexpected dividend, Superintendent Dwyer feels, is the responsibility his upper elementary students have assumed for the four- and five-year olds in the pre-primary. In the school cafeteria, one sees the older boys and girls hurrying through their own lunch so they can help the small fry (who eat afterwards) with their trays.

Much to the superintendent's satisfaction, the governing council of the Jemez Pueblo recently passed a resolution urging the Bureau of Indian Affairs to close its school in their area and allow all the students to transfer to the public school. Even though the recommendation has not as yet been followed by the BIA, it was looked upon by Superintendent Dwyer and his staff as a vote of confidence in what they are trying to do in their Title I programs.

In practically every Title I project mentioned thus far, teachers have been involved from the earliest planning stages to direction of and participation in the program. This involvement has been, to a great extent, the result of the five regional meetings held by the New Mexico Education Association in the summer of 1965. An average of 250 teachers and administrators attended each of these Title I briefings so that they could be prepared to offer not only suggestions but also to take part in the actual planning of projects.

An outstanding example of the kind of teacher involvement NMEA encouraged is the way Title I has worked in Tucumcari, a district with some 3,000 students, which is spread out over a vast area of eastern New Mexico.

When Warren Nell took over as the new superintendent at Tucumcari last fall, one of the first things he did was authorize the appointment of a Title I steering committee. Headed by Albert Thornberry, a sixth-grade teacher, the committee polled fellow teachers on what they thought were the most urgent needs of their disadvantaged students. The almost unanimous choice as the number one need was for a reading skills program at all levels above grade 3. Next came expanded health services, more counseling, and elementary physical education, which few New Mexico districts have been able to afford.

Acting as a coordinating group, the steering committee then set up subcommittees of teachers in each area of need, and at each level, elementary, junior high school, and high school. The district's lone school nurse headed the subcommittee on health services. The task of the subcommittees was to draw up proposals, including the kinds of facilities and equipment needed as well as the estimated costs. Except for the clerical work and some other details handled by the superintendent's office, all work that went into Tucumcari's Title I proposals was performed by teachers and principals, much of it in the evenings and on their own time.

Because of the lateness in receiving Title I funds last year, none of the proposals could be put into action until midyear. This posed quite a staffing problem in Tucumcari, as it

did in many school systems. Although the superintendent had teachers who were eager to take part in their own projects, he was reluctant to take them for fear of disrupting the regular school program.

Relying instead on finding new teachers among midyear college graduates, he was able to recruit a number of young teachers of "surprisingly high quality." These included a reading specialist with an M.A. plus twenty hours in her field, two young physical education specialists, and several others with specialized training.

"Although it accounts for only 8 percent of our budget, Title I has changed our whole program," says Superintendent Nell.

Title I has also made a significant change in the relations between the public schools and St. Anne's, Tucumcari's parochial school. In explaining Title I to various groups in the community, the superintendent assured officials at St. Anne's that their 100 or so children from impoverished families would not be discriminated against. In his Title I proposals he made provisions not only for having a counselor and some of his new teachers spend part of their day at the parochial school, but also for equipping a classroom at St. Anne's for a small-group, reading-skills program. The only condition was that all equipment, books, and other materials would remain the property of the public schools, as PL 89-10 requires.

Every piece of equipment Tucumcari purchased, with Title I money, including tables and chairs, bears a red plastic tag with white lettering that reads, "Tucumcari Public Schools Title I." The tags are Superintendent Nell's way of saying, "Title I is for all disadvantaged children, no matter where they go to school."

BYRON FIELDING.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

THE ELECTION IN VIETNAM

Mr. McGEE. Mr. President, I want to address myself for a few moments to the question of the election held on yesterday in Vietnam.

Much is written in the press and spoken over radio and television about things which go wrong. It seems to me that we should talk a little humbly and calmly about things which happen to go right.

The events which transpired in South Vietnam on yesterday, in the form of their voting for membership of a constituent assembly, falls specifically into the latter category.

I can remember listening on the floor of the Senate to the many critics of our general position on Vietnam. They were sounding the note of alarm only a very few months ago that there should be an election, and then when the election was ordered they were saying that it probably would not come off or if it did the election would be loaded, or something would be wrong with it.

I think there is enough of a record now to take quiet satisfaction not only in the fact of the election but also in the way it was conducted. To the best of my knowledge, until now, there is no measurable complaint as to any serious infractions or violations on the conduct of the election. When we bear in mind the circumstances under which it was conducted, it is all the more a tribute to the South Vietnamese people that they should have turned out in such large numbers under the grave risks they ran with the terrorist incidents. It bears good testament to the fact that they were at least willing to edge their way along toward a more representative process in the government of their country.

It is important not to jump to any dangerous conclusions that this will solve the problems of Vietnam. We are entitled to caution ourselves, and to assess the implication of the events of yesterday in the quietest of terms.

The election is a landmark. It is an important step forward. We should be proud of what has taken place in that regard. It is the culmination of a significant year, of great changes, and most of them for the better, in that part of the world.

It is a landmark election because, as many will recall, it looked as though Vietnam had really gone down the drain when the drive of the Vietcong and the North Vietnamese was pressing dangerously close to cutting South Vietnam in half at its narrow waist. But this situation was reversed because of the rapid buildup of the American presence there, and since then, the Members of this body who have been critical of the U.S. position in Vietnam have retreated from one excuse to another to find more cause to lament our presence there.

At one stage, the critics thought that we should stop the bombardment in order to invite a conference. We have done this twice. But that was not enough to satisfy the critics. They stated that the next step was that the government of Premier Ky would not hold together, that it was a totalitarian regime which could not command law and order or the support of any semblance of the people of South Vietnam.

In fact, when I was in Vietnam for the third time last April, in the midst of violent demonstrations, it was evident then that the demonstrations in Vietnam were more serious to the United States because of their interpretation here than they were in Vietnam at the time.

In any event, those troubled days last April, May, and early June, have long since disappeared into a far more stable and settled configuration. The regime of the existing Government seems to be riding very well at the moment.

The significant thing is that great steps have been taken for the better—and that is one of them.

At the same time, during my presence in Vietnam last April, the great concern was about inflation. Quietly, significant anti-inflation steps have been taken by the Vietnamese Government which are now beginning to show up on the constructive side of the ledger.

There is also a change in attitude among the many countries in that part of the world. There has been great headshaking in this Chamber about the fact that the rest of the world seems to be critical of us.

I have said on many occasions that we are not trying to run a popularity contest in Vietnam, that during the past century, when the world was experiencing its greatest stability, "perfidious Albion" was the best that could be said of the British on whose shoulders the responsibility for that order in the world had largely fallen.

We are not trying to make this a popularity crusade, or an "everyone loves America week," because of the role which history has thrust upon us in trying to restore some kind of stable balance of power to the world.

Even so, let us not lose sight of the fact that in this part of the world, largely in South Vietnam and east Asia in general, there has been a substantial shift in the climate of opinion. That shift is not without a real record of action as well as of words among the leaders of those countries, and in actions by the countries themselves.

In that connection, I invite the attention of the Senate to a discussion between a distinguished American columnist, Mr. Roscoe Drummond, and the President of the Philippines Ferdinand Marcos, who is shortly to arrive in this country. When President Marcos was asked what he thought of the presence of the United States in southeast Asia in this crisis, he replied:

> Of course it has been worthwhile. At first I was against sending our combat troops to fight in Vietnam because we in the Philippines were not sure of the firmness of the U.S. will to stick it out. Our doubts have now been wholly removed. The U.S. has made abundantly clear its determination to maintain its presence there.

The point that President Marcos made is the point that can be made in every capital in that part of the world, which has been hanging over the capitals of Malaysia, Indonesia, Thailand, Burma, and even Cambodia, if you will, as well as the Philippines; namely, the great question mark of American intentions, the great doubt as to whether America really meant what it said in the wake of World War II. It seems to me that we have removed all reason for those doubts. We have removed the question mark which has been hanging heavily over the policymakers of southeast Asia during the past year. As a consequence, not only the Philippines shifted their basic position during the past year, but so have other leaders in that part of the world. The Thais are in a much firmer position now than they were a year ago, whereas in many of the provinces in Thailand, their villages were being invaded by thousands of guerrilla cadres sent by the Red Chinese. That remains a threat, largely because the Chinese have had no new bases from which to purchase materiel, and no new sources from which to resupply. Therefore, it has been curbed. It has been held in check only because of the American presence in Vietnam.

Let me add, Mr. President, that the same judgment is held in regard to the sudden and fortuitous turn of events in Indonesia. As the President of the Philippines has observed on that point, largely because of the presence of the United States in Vietnam, the doubters in Indonesia, those who were not sure which side to turn to, which group to play with, had their doubts removed.

Our presence in Vietnam did, in fact, according to President Marcos, make the difference in this turn of events in Indonesia.

The Premier of the government of Singapore, Lee Kuang Yew, has further declared—although he has not been altogether friendly to our cause most of the time—that if the Americans were to pull out of Vietnam, his government and that of his neighbors would be immediately placed in jeopardy, and while he would hope that someday the Asians could reconsider their own balanced structure in that part of Asia, until they were capable of doing so, the American presence in Vietnam was an indispensable part of a more peaceful and stable future in that part of the world.

Burma, as to which we have received a great deal of criticism, refused to accede to the importunings of Peking to censure the presence of the United States. Burma refused to do it because of the change in opinion and the firm U.S. presence. Within the past few days Ne Win has been in this country, visiting President Johnson.

So these are some of the benchmarks in the last year that spell out the critical changes in attitude, opinions, and positions in the countries which are critically important to what is going on in southeast Asia.

I inject that along with the election in Vietnam because they all show that we are indeed moving ahead. We are indeed improving our position. We are indeed conditioning a more favorable climate for ultimately a peaceable settlement of the differences in that part of the world.

Let us remember, however, it must be a two-way street. Even so, the conditions make it more possible and there are emerging more clearly evidence that the people want to resist aggression, that they believe in independence, that they believe in the lawful processes, rather than a resort to aggression to achieve their goals.

These are the trends of today, and with the election in Vietnam yesterday we have another evidence of a climate that gives us hope that we will be successful in the kind of goal we are trying to achieve, in order that the Asians will have a chance to put their house in order. If we do not help them preserve that chance, no one else there is going to have an opportunity to do so.

So I want to pay my own salute to the Vietnamese for the limited but significant undertaking exhibited in their country yesterday.

Mr. President, I ask that editorials on the Vietnamese elections from the New York Times and the Baltimore Sun, as well as newspaper columns on our successes in Asia by Roscoe Drummond and Joseph Alsop be printed in the RECORD.

I thank the Senator from Mississippi for yielding to me.

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

[From the New York (N.Y.) Times, Sept. 12, 1966]

SAIGON'S ELECTORAL VICTORY

The elections in South Vietnam were a success for Marshal Ky's Government and indirectly for the Johnson Administration. According to present available figures, three-quarters of the eligible voters cast ballots. This far exceeds Vietnamese and American hopes before election day.

The victory deserves full acknowledgement, but its effects should not be exaggerated. Candidates were merely elected to an assembly which will draw up a constitution leading to still another election in 1967 or 1968 for as representative a government as the situation and political backwardness of the people will permit.

Since large regions of South Vietnam are under Vietcong control, or subject to the Vietcong's threats, the election could not lead to a genuine popular majority. But, insofar as the South Vietnamese people, at this stage of their history could record a democratic vote, they have done so.

Marshal Ky, himself, has been an in-again-out-again candidate for the office of an elected president, but it is obvious that any future government would have to be either military or, if civilian, willing to prosecute the war. The conflict will go on pretty much as if the election, despite its undoubted value and success, had not taken place.

Hanoi's inflexible rejection of President Johnson's offer of a mutually agreed withdrawal of troops from South Vietnam shows that neither the time nor the circumstances are ripe for negotiations or a truce.

The block on the road to peace has been made clear again and again by both sides, as is was in the recent exchange. The United States says that Hanoi is the aggressor and North Vietnam says that Washington is the aggressor. Behind the simple accusations are all the complex forces of power politics, ideology, nationalism and emotions that make the war in Vietnam so stubborn and, for the moment, so intractable.

Yet, the effort to solve it and to bring about negotiations must go on. The United States cannot assume that Hanoi literally means, and always will mean, exactly what it says today. North Vietnam may one day accept the fact that the United States really intends to withdraw from Southeast Asia when circumstances permit, and Hanoi may also hope that the American escalation of the war will not continue to a point of no return.

In the diplomatic game that goes on behind the crack of guns and thunder of bombs, the ideals for which the United States stands gained a point in yesterday's election. The Vietcong, the North Vietnamese and the Chinese Communists lost by the same margin. The war goes on, but it has been proved that three out of four of those who could vote in South Vietnam braved danger and future risk to do so, and thereby expressed either support for or acquiescence in what the Saigon Government is trying to do.

[From the Baltimore (Md.) Sun, Sept. 12, 1966]

VIETNAMESE VOTING

Premier Ky said last week that the success of yesterday's South Vietnamese elections, the results of which may remain unknown for several days, cannot be measured "on a percentage of voters." He said also that not many of the voters understand what they would be voting for. As to the first point, it is but partly true. If the vote had been small, the chances that the elections would be taken by the South Vietnamese, and by others elsewhere, as the faint beginnings of popular government would have been seriously dimmed. As to the second, it may be true that most voters had no more than a faint notion of what the balloting is about.

In a way it is no wonder. The election is a complicated arrangement, set up not to choose a government but to name the members of a constitutent assembly which will be charged with writing a constitution. Once that is accomplished, if it does get accomplished, a government is to be elected, some time next year, under the constitution's terms. What those terms will be no one can say now—except that they will not be displeasing to the present ruling military junta, which has drawn the procedures in such a way as seemingly to guarantee for itself a power of veto over any portion it finds contrary to its own thinking.

Further to confuse the voters, Premier Ky has said, in contradiction to earlier statements (which themselves sometimes contradicted still earlier) that he may run for the presidency next year after all. To a good many Vietnamese who dislike military regimes this will sound like a declaration of intent by the military to stay in power, no matter what.

Other confusions are many. Some of them arise simply from the rules laid down for the campaign that led to the voting. These were elaborate and peculiar. The campaign was sharply limited in duration. Candidates were restricted in the time allowed to address such crowds as showed up to hear them, and the candidates for each place had to appear together. Then there was the boycott announced by the more militant Buddhists, the effect of which still today remains uncertain.

Then, and even more seriously, there were the acts of violence undertaken by the Viet Cong to hinder the voting, and perhaps just as effective, the hints and threats of violence. Some possible voters were certainly so intimidated that they refrained from going to the polls. How many cannot be known, today or later.

Yet for all the complications, vagueness and dangers, this election was worth holding. Not to have tried to move at all, now, in the direction of popular government would have been worse than to move in this way, tentative though this way is.

[From the Washington (D.C.) Star, Sept. 11, 1966]

OUR ASIAN ALLY—PHILIPPINE PRESIDENT HAS PRAISE FOR U.S. POLICY

(By Roscoe Drummond)

Americans will soon have in their midst a brave Asian ally and a superb advocate of the growing will of more Asian nations to unite in defending themselves against Communist aggression.

He has earned the esteem and respect of Asians and Americans alike. He will address a joint session of Congress on Sept. 15 and will speak to the United Nations a few days later. I believe he deserves to be heeded, whether one is a supporter or critic of United States actions in Vietnam.

The Asian spokesman is the young president of the Philippines, Ferdinand E. Marcos. In advance of his speeches in the United States, I wish to cite some of his views and insights which are not widely known.

Question. How do you think Indonesia escaped the attempted Communist coup?

President Marcos. It was only the American presence in Vietnam, I feel, which prevented the fall of the Indonesian Government into Communist hands. Not only Indonesia, but also other countries.

Question. Why do you feel this is true?

Marcos. The Communists supposedly plotted an effort to prevent a take-over by the enemies of President Sukarno. But it actually was an open and outright coup to take over the government. It was planned a long, long time ago. The situation became such that the Communists were certain, were very certain, not only of internal support but of support from outside.

Question. What intervened?

Marcos. When the American Government decided to increase its aid to South Vietnam, that knocked out all previous assumptions. But by then, the Communists had begun the initial moves of their operation and it was

too late for them to pull back. And very few people know this.

Many leaders who were wavering in Indonesia immediately realized that the Communist coup was going to fail. Also, with large U.S. forces in Vietnam, the Red Chinese would not have either the capability nor the inclination to send any help whatsoever to the Indonesian Communists. And that is exactly what happened.

Question. Then you think the United States action in Vietnam has been worthwhile?

Marcos. Of course it has been worthwhile. At first I was against sending our combat troops to fight in Vietnam because we in the Philippines were not sure of the firmness of the U.S. will to stick it out. Our doubts have now been wholly removed. The U.S. has made abundantly clear its determination to maintain its presence there. (The Philippines will soon be sending combat forces to Vietnam.)

The American presence goes far beyond the effect on the North Vietnamese and the Vietcong. The fight which the Communists refer to as the "fight for national liberation" is the single most important thing that will determine the state of affairs in Asia for the next century. You can hardly imagine what might have happened if there had been no demonstration of resolution on the part of the United States.

Question. Would it be helpful to have Red China in the U.N.?

Marcos. Unfortunately, as of now, the leadership of Red China is not willing to renounce war as an instrument of international policy.

To be eligible, she must be willing to live peacefully with her neighbors. When she is prepared to do so, let her leaders say so—and act so.

[From the Washington (D.C.) Post, Sept. 9, 1966]

MATTER OF FACT: DIVIDENDS ON VIETNAM POLICY

(By Joseph Alsop)

BANGKOK, THAILAND.—It is high time for someone to speak out, loud and clear, about the great success already achieved in Asia by the American effort in Vietnam. This does not show at home, where all eyes are upon the harsh, always continuing war. But it stands out a mile here in Thailand, in the aftermath of General de Gaulle's strange and haughty Asian oration.

Senator J. WILLIAM FULBRIGHT and his sympathizes used to warn the country, in hollow, tragic voices, that the American intervention to defend South Vietnam would make every Asian an enemy of the United States. If these warnings had not been wholly misleading, Eastern Asia should now be resounding with acclamations for de Gaulle.

Instead, the de Gaulle speech has been sharply condemned by the usually cautious Japanese; and in every other Asian country not aligned with the Communists, the speech has either been sharply condemned or simply treated as unworthy of comment. Nor is the response to de Gaulle anything more than the superficial symptom of a truly profound change in the Asian outlook.

The able Foreign Minister of Thailand, Thanat Khoman, summed up the change very succinctly. "A year and a half ago," he said to me, "there seemed to be no doubt at all that we should soon be faced with a Communist-controlled axis running from Indonesia to North Korea, and including the whole of Vietnam, Cambodia and eventually Laos. The pressure on the other Asian countries would then have been all but irresistible, and in some cases it would not have been resisted.

"That threat has vanished, now, and it can never be revived if the American effort in Vietnam is successful in the end, as I am sure it will be. Instead, the non-Communist Asian countries are now moving further and further towards forms of cooperation, even partnership, which have great promise for the future."

The Foreign Minister's colleague at the Development Ministry, the astute and experienced Pote Sarasin, put the matter even more concisely. Vietnam, he said, had been the decisive test, both of America's willingness to live up to American commitments and of the much-vaunted prospects of general Communist victory. "Suppose you had done differently," he continued. "Everyone is now convinced that the future does not lie with the Communists."

"But if you had done differently, it would be just the other way around. And in Indonesia, for instance, the sensible leaders would not be in any position to try to save their country from ruin, as they are now doing. Instead, everyone in Djakarta would be saying that Bung Karno was dead right all along."

A few days ago, the courageous Indonesian Foreign Minister, Adam Malik, also happened to pass though Bangkok. Throughout a long and absorbing afternoon's talk about Indonesian problems and hopes, there were always two underlying assumptions. The first was that the Indonesian Communists would have won in the end somehow, if the United States had left the Vietnamese to their fate. And the second was that the Indonesian future must still in a considerable measure depend upon a successful outcome in Vietnam.

There is much other evidence of the same sort, ranging from Seoul to Manila, from Rangoon to Singapore, where the position taken by the brilliant leader, Lee Kuan Yew, is particularly significant. In Asia, more than almost anywhere, politics are governed by an acute sense of the trend of events; and except for the eccentric Prince Sihanouk in Cambodia, Asian leaders see the trend today, not as de Gaulle sees it, but as Pote Sarasin sees it.

That does not mean, however, that we can take the Asians for granted, even if the time comes when our effort in Vietnam has succeeded. On the one hand, we cannot permit ourselves to indulge in the kind of arrogant outrage typified by Senator FULBRIGHT's proposed investigation of American activities in this country.

Here is a country that has given the United States every kind of assistance imaginable and with the freest and most generous hand, all on one signed condition, that this assistance should not be too publicly discussed. It is not going too far to describe Senator FULBRIGHT's plan to hold public hearings on these matters as a plan for giving aid and comfort to the enemy. If we want allies, we must treat them as equals.

Even if we manage to refrain from such self-righteous provocation, we must be prepared for surprises and even for shocks if and when we have succeeded in Vietnam. The main motive for the Asian cooperation that is being pushed by Foreign Minister Thanat is to assure the independence of the Asians, eventually including independence of the Americans. No doubt this independence may later be manifested in distressing ways. But the wiser Americans will take these manifestations as proofs of our success.

MRS. MARY T. BROOKS

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which the clerk will state by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 3553) for the relief of Mrs. Mary T. Brooks.

The PRESIDING OFFICER. The Senator from Mississippi [Mr. STENNIS] is recognized.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. Mr. President, I yield to the Senator from New Jersey.

HUDSON RIVER BASIN COMPACT

Mr. WILLIAMS of New Jersey. Mr. President, I have been requested by the majority leader to ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1556, H.R. 13508, to direct the Secretary of the Interior to cooperate with the States of New York and New Jersey on a program to develop, preserve, and restore the resources of the Hudson River and its shores and to authorize certain necessary steps to be taken to protect those resources from adverse Federal actions until the States and Congress shall have had an opportunity to act on that program.

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

Mr. JAVITS. Mr. President, reserving the right to object, this is the first time I have had any notice that this bill would be brought up at this time. I should like to ask the Senator from New Jersey whether it has been considered by any committee.

Mr. WILLIAMS of New Jersey. Oh, yes, indeed.

Mr. JAVITS. Is this the measure known as the Ottinger bill with relation to a compact?

Mr. WILLIAMS of New Jersey. Yes; this deals with a compact between the State which the Senator from New York so ably represents, and New Jersey, the State of which I am the junior Senator.

Mr. JAVITS. When was it reported to the Senate?

Mr. WILLIAMS of New Jersey. It was reported to the Senate by unanimous vote of the Committee on Interior and Insular Affairs on September 8. There was one request to hold up consideration on the Senate floor which was made by the Senator from Vermont [Mr. AIKEN]. Let me frankly say that I, too, did not know the bill would be brought up today, but the Senator from Vermont is satisfied and has no reason to object either to its consideration or to passage of the bill.

Mr. JAVITS. Mr. President, since I have had no notice concerning this bill, I have to say now that I will object, but I may not have to do so necessarily later. I suggest at this time that the Senator from New Jersey withdraw his request.

The PRESIDING OFFICER. Objection is heard.

Mr. WILLIAMS of New Jersey. Mr. President, I must confess I thought the bill would be considered on Wednesday. I came into the Chamber at 10 minutes of 1—and it is now 1:25 o'clock p.m.—and only then learned that the majority leader wanted this bill called up.

I withdraw my request for consideration of H.R. 13508.

The PRESIDING OFFICER. The request is withdrawn.

CIVIL RIGHTS ACT OF 1966

Mr. STENNIS. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Michigan [Mr. HART] to proceed to the consideration of the bill (H.R. 14765) to assure nondiscrimination in Federal and State jury selection and service, to facilitate the desegregation of public education and other public facilities, to provide judicial relief against discriminatory housing practices, to prescribe penalties for certain acts of violence or intimidation, and for other purposes.

Mr. STENNIS. I thank the Chair.

Mr. President, reams have been written, volumes of words have been spoken as to the reason for the poor showing of this bill.

Before debate proceeds any further, and for the record, I want to make a few remarks that are not directly on the contents of the bill but go to the discussion and some of the points about debate.

I firmly believe that the poor showing of the bill, so far, is because the people are against it; that is, the rank and file of the people across the Nation are against the bill. They will be against it in the forthcoming elections this year, In the years to come, the more they understand the bill, the more pronounced will be their opposition to it.

The average person still believes that he has some rights of his own under our system of government whether he be white or black or brown. He believes that some of his basic rights have been forgotten in this pellmell rush of agitation and competition among those in public life for the passage of a civil rights law by Congress on every conceivable subject. The white citizen knows that he is not only forgotten, but that he is the target of this bill. The white citizens all over this Nation realize this fact and most of them have had enough. Further, they have gone to saying so. I believe they will continue to say so, at the polls this year and next year and in the years ahead. As supporting evidence of my conclusion on this point, I cite the major change in this bill in the House of Representatives when the proponents of the measure were forced to agree to an amendment making the housing provisions thereof applicable to only 40 percent, as estimated, of the housing sales throughout the Nation. Various reasons were assigned for this change in statute, but the basic reason was the people back home have been heard from. There was great opposition, as I say, to the bill from the rank-and-file people.

The filing of amendment to the housing section and agreement to it by the proponents of this measure entirely abandoned the idea of the alleged principle upon which the bill was supposed to have been drawn. That amendment eliminates, as estimated, from the operation of the bill about 60 percent of housing transactions which occur in the United States in the course of a year's time. Thus, it was an act by the proponents of the measure in which they joined, at least, which repudiates the policy of the bill as expressed in title IV, section 401, which states:

> It is the policy of the United States to prevent discrimination on account of race, color, religion, or national origin in the purchase, rental, lease, financing, use, and occupancy of housing throughout the Nation.

Further evidence of my conclusion on this matter is the almost total lack of interest in the present Senate debate.

Further evidence supporting this conclusion is that in each instance during the last several years when the people have had a chance to vote on this proposition of open housing they have voted it down by a substantial margin.

After laying down those very fine words as a policy, the measure as it comes to us turns around and immediately eliminates 60 percent of housing transactions in the Nation, and to that extent entirely abandons the policy written on the face of the bill.

That is an admission that it is not an alleged principle they are fighting for here. This is a political measure pure and simple, designed, not by all, perhaps, but designed by many, of those who are pushing it to the limit to get votes at the forthcoming election this year and in years thereafter. The only reason in the world they abandoned such a major part of it was that the backfire of the opposition to it was too great from the people back home. This backfire comes from areas outside the South, where we have felt so much of the impact of the other civil rights bills that have been enacted.

Further evidence of my conclusion as stated on this subject is the almost total lack of interest on the subject in the present Senate debate.

In my humble opinion the spectacle that the Nation has been given of trying to place the entire blame on the minority leader [Mr. DIRKSEN] for defeat of the bill has been pitiful. He stands on his own feet. He resists pressure. I commend him for it highly. But the idea, either from a party standpoint or the standpoint of a group of Senators, or from any other standpoint, of trying to bring the crushing weight, the politically devastating weight by some on his head because he has been firm and unyielding, is a tragedy in the political affairs of this Nation.

I say that the reason why the bill has not moved and the lack of interest is due to the opposition to having it enacted.

Further evidence to support my conclusion is that in the past several years, when the people of the Nation have had a chance to vote on the proposition of open housing, they have voted it down by a substantial margin. That applies to local elections, not to national elections, where the issue was sharply drawn. I refer to local elections not in one area, but in areas throughout the Nation.

I have been a Member of the Senate for some time, but I consider myself by no means wise in this matter or any other matter; however, there is no doubt in my mind that the proposed Civil Rights Act of 1966 is purely a political measure, drawn, presented, and urged for the purpose of getting votes from minority groups in the elections of 1966, in the elections of 1968, and in the years thereafter. If this bill is passed—although I do not believe it will be—we will see the same drive for the use of implied power to impose a code of conduct on the people of the Nation with respect to housing as is being imposed now in the South as to public schools, under title VI of the Civil Rights Act of 1964.

For that reason, I want to make some references directly to the power being used under some of the language of the Civil Rights Act of 1964, particularly as to schools. I am using it as an illustration because almost the same language to which I shall refer is also found in the bill as to housing.

When we passed the Civil Rights Act of 1964 we did not know what claims would be made, what the Department of Health, Education, and Welfare would do, or what the Department of Justice rulings would be under the language of that act. But later the Elementary Education Act was passed, and money has been appropriated. Now we are aware of what I strongly and firmly believe is a bald and bold assumption of power under the Act of 1964 as to schools, which is not only not justified by the general language of the act, but is expressly prohibited. Some of this conduct is expressly prohibited by language found in title IV, as I shall point out.

I want to make clear I make no attack on the administrator of that act at the level of the Department of Health, Education, and Welfare. I have no personal remarks to make about any of them. I know some of them have been very reasonable and very conciliatory and very understanding. There have been some who have not seemed to meet these qualifications, but I am satisfied that they, in a large way, are acting on orders from high authority.

I emphasize this now because it points unerringly to what will be done under the authority of the language of this bill should it become law.

This pattern of operation that I refer to is found in section 409(e) of title IV, which provides that the Secretary of Housing and Urban Development shall "administer the programs and activities relating to housing and urban development in a manner affirmatively to further the policies of this title."

The policy referred to is that which is contained in section 401, which provides that—

> It is the policy of the United States to prevent discrimination on account of race, color, religion, or national origin in the purchase, rental, lease, financing, use, and occupancy of housing throughout the Nation.

My point is simply this. Here is general language announcing a policy. Many pages over, buried in a relatively minor section, is the provision that the Secretary of Housing and Urban Development shall administer the program and activities relating to housing and urban development in a manner affirmatively to further the policies of this title.

So here we have a case of some very eager men trained in legal phraseology and the law writing a policy statement. I do not think policy statements have any place in hard legislation, anyway. If Congress cannot write down what it means and define what it means, it ought not adopt a general policy state-

ment. But here skillful draftsmen have written out a policy in the broadest terms, and many pages later they have put in language which provides that it is the affirmative duty of the administrator to carry out that policy.

Mark my words, if this bill does pass, there will be a ruling from the Attorney General or attorneys for some department putting these two clauses together and justifying almost every conceivable act that it is desired the administrator should carry out. The language is broad enough, as has already been proven by the school laws—and I will refer to some instances in a moment—to carry such a possible interpretation.

I cite this as fair warning of what is planned to be done by the bill. I do wish to point out one difference in the pattern of the bill under consideration and the other. In contrast with the school situation as it is today, large sums of money will not have to be paid out to persuade the people to submit to the pressures of the Department to enforce its interpretation of the law—and it seems that the drafters of the bill recognize that. Instead, the Department will have full power to proceed against every individual who does not submit to their interpretation of the housing title of the bill.

Further, the measure illustrates again that the people are gradually losing control of their own Government through the process of letting the leaders, who are interested in votes and in special subjects, write the platforms of the political parties, and thus bind the candidates to certain courses of action after they are elected. That fits hand in glove with a bill of this kind. It has been the pattern of conduct in many States, and even, I find, at the national level, for many years.

I shall illustrate by what happens at a State convention. The question of open housing, the same subject as title IV of the bill, is presented, and the adoption of open housing is urged before the platform committee at a State convention of a political party—either of the major parties; it does not matter which. The request is presented by a minority group aided and abetted by a few political leaders. No notice is given for possible objectors to appear in opposition. But that does not make any difference, because such things happen mighty fast once the door is open. Thus, the issue is not really drawn. The man who is at work, the man who is at home, does not actually take notice; but the platform writers, interested primarily in winning the election, take note of the voting strength of the bloc supporting the proposal, and then approve this particular plank in the platform.

Its approval on the floor is routine. The candidate who is nominated on the platform, regardless of what he may think of the provision, has to take it and agree to abide by the platform if he accepts the nomination. This is the general rule that is followed.

The opposing political party—and here is an important step, Mr. President—the opposing political party in the same State, noting what has been done by its rival party, will then adopt the same, or substantially the same platform on this subject matter, largely because it wishes thereby to avoid the question being an issue in the campaign. In the same manner, the nominee of that party usually considers himself bound by that particular plank in the platform, and is pledged to it.

Thus we have the two most formidable candidates, plus the platforms of the two leading political parties, backing the proposal 100 percent, whether it is their personal conviction and position or not.

Where does this leave the average voter who is opposed to the entire proposal? It leaves him entirely out. He has never his day in court, except in the most indirect way. These two platforms of the major parties and these two candidates, as a practical matter, leave this average little fellow out, and he has no way to express himself on the subject politically. In my humble judgment, this has been going on for years and years, not only on the subject of civil rights but many other subjects, and that is the principal reason for much of the mountains of legislation along this line.

Some may say that I am making this statement just as an expression of protest by a Southern Senator. What I am saying, I am satisfied, is a basic truth; and these truths still live in the hearts and minds of many American people. Someday these truths and these sentiments will find expression in proper leadership and in the voting booths of the Nation. These millions of people are seeing money appropriated for educational programs now, and then used in such a way as to enforce extreme interpretations of civil rights laws. Those extreme interpretations are made by administrators, who expand the meaning of a provision in one section of the Civil Rights Act of 1964, and at the same time ignore the plain mandates of other sections of that same law, dealing directly and expressly with the subject of schools.

I refer, Mr. President, to title VI and title IV of the Civil Rights Act of 1964, which prohibit, among other things, the busing of schoolchildren. These interpretations ignore assurances solemnly given on this floor—right here on the floor of the Senate—during debate on the civil rights bill of 1964, by those who were handling the bill as its proponents.

I know this. The RECORD not only shows it, but I definitely remember when it happened. I was here on the floor, taking part in the debate, at the time. I refer to assurances such as those given by the then Senator from Minnesota—Mr. HUMPHREY—now Vice President of the United States, as well as to arguments made by the Senator from Rhode Island [Mr. PASTORE].

Let me make clear here, Mr. President, that my references to these esteemed gentlemen and Senators are in no way personal. I am just quoting here from what they said—and I know they meant what they said. I thought so at the time. I know what their remarks pertained to, and I have those quotations now before me, and will go into them.

Mr. President, the present Commissioner's program for balancing the races, as now carried out, is not only unauthorized, but it is in direct violation of section 407(a) of title IV of the Civil Rights Act of 1964.

Let me make clear that I still advocate, as always, that when matters have become law and are established as such, they must be obeyed; so there should be no inference whatsoever from my remarks here that I am encouraging violation of the law. My objection is to the interpretation of the Civil Rights Act of 1964.

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

Mr. STENNIS. I yield to the Senator from Louisiana.

Mr. LONG of Louisiana. Was it not a fact that some of us pointed out at the time that someone might construe the Civil Rights Act of 1964 as permitting the Federal Government to press for a so-called racial balance?

Mr. STENNIS. Yes.

Mr. LONG of Louisiana. Is the Senator not referring to the fact that the then manager of the bill, Senator HUMPHREY, from Minnesota, pointed out that that was ridiculous, and nobody had any such thing as that in mind?

Mr. STENNIS. That is correct.

Mr. LONG of Louisiana. Was it not said we need not fear that kind of thing, and that no amendment was necessary to clear up the matter?

Mr. STENNIS. The Senator is entirely correct, and I have before me the portion of the law that was under debate, the proposal that was then under consideration, together with what the Senator from Minnesota said about it, and the interpretation now being given to that section.

Mr. LONG of Louisiana. Have we not found, even though assurances were given to us here on the floor that no such thing would be undertaken, that they have now undertaken to do just that?

Mr. STENNIS. The Senator is entirely correct. He has anticipated my points, and has stated exactly what has happened. Those assurances then given us, and those statements then made are treated now as rubbish, and thrown in the ashcan.

Another interpretation, directly in conflict, is now given by the executive branch of the Government to those assurances. I will cite the section.

My reference has been to section 407 (a) of title IV of the Civil Rights Act of 1964. That section provides:

> Nothing herein shall empower any official * * * of the United States to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance * * *.

Senator HUMPHREY, floor manager of the bill, was emphatic and unequivocal that this limitation in title IV applies to the entire act and particularly to title VI.

I point that out because title VI of the 1964 Civil Rights Act is the provision to which the administrators now look for their claimed authority to compel racial balance in schools. In the debate on the bill, on June 4, 1964, Senator BYRD of West Virginia specifically asked what

the word "herein" meant in section 407(a). Senator HUMPHREY replied:

It means within the Act.

Senator BYRD inquired further:

Does it mean the act or the title?

And Senator HUMPHREY again replied:

It means the act . . .

Senator BYRD then asked a very prescient question:

But would the Senator from Minnesota also indicate whether the words . . . would preclude the Office of Education, under Secton 602 of Title VI, from establishing a requirement that school boards and school districts shall take action to relieve racial imbalance wherever it may be deemed to exist?

Senator HUMPHREY's answer was:

Yes. I do not believe in duplicity. I believe that if we include the language in title IV, it must apply throughout the act . . .

He said, in other words, that the language appearing in that title with reference to the subject of schools would apply throughout the entire act.

Mr. President, I point out again that title IV of the Civil Rights Act of 1964 deals with the subject of schools and with nothing else.

The administrators, in their administration of the law, are looking to title VI for their claimed authority to run the schools. They are not relying on the school title. Such action is an insult to the intelligence of Congress.

If the administration intended to do that, why was there a title IV to deal with schools?

The then Senator HUMPHREY, now Vice President, later in the discussion, added:

The busing of children to achieve racial balance would be an act to effect the integration of schools. In fact, if the bill were to compel it, it would be a violation [of the Constitution] because it would be handling the matter on the basis of race and we would be transporting children because of race. The bill does not attempt to eliminate segregation in the school systems. The natural factors such as density of population, and the distance that students would have to travel are considered legitimate means to determine the validity of a school district, if the school districts are not gerrymandered, and in effect deliberately segregated. The fact that there is a racial imbalance per se is not something which is unconstitutional. That is why we have attempted to clarify it with the language of Section 4.

Senator HUMPHREY was supported by Senator JAVITS, who was prominent in the drafting of the bill. In responding to Senator BYRD's query, Senator JAVITS said:

Taking the case of schools to which the Senator is referring, and the danger of envisaging the rule or regulation relating to racial imbalance, it is negated expressly in the bill, which would compel racial balance. Therefore there is no case in which the thrust of the statute under which the money would be given would be directed toward restoring or bringing about a racial balance in the schools. If such a rule were adopted or promulgated by a bureaucrat, and approved by the President, the Senator's State would have an open and shut case under Section 603.

These authoritative statements by the sponsors of the bill and the language of the act itself make it clear beyond doubt that the Civil Rights Act of 1964 does not empower any Federal official to compel the balancing of the races in the schools. Nevertheless, that is exactly what is being done, and the present bill contains even fewer safeguards against such arbitrary administrative action than the 1964 act. Can anyone believe for a moment, that with such a record behind them, their action will be any more restrained or any more consistent with the intent of Congress in the future under this bill?

Mr. President, to point out further what is being done under the law that we referred to, in spite of the assurances given by Senators here on the floor of the Senate, let me refer to the current guidelines for schools. In reviewing the school desegregation plans, the Commissioner declares that he will be guided by the following criteria:

(1) If a significant percentage of the students, such as 8 percent or 9 percent, transferred from segregated schools for the 1965–66 school year, total transfers on the order of at least twice that percentage would normally be expected.

The Commissioner, in other words, is giving us the score. He is in effect saying:

What was your percentage last year? Before we let you have any more money, you will have to have at least twice as many on a percentage basis.

That is directly contrary to what is contained in the law and to what the Senators said in debate on the floor of the Senate.

I remember one Senator said:

I am in a position of responsibility here, and what I say will have a bearing on this law.

He was correct. He was the floor manager of the bill.

I continue to read the criteria set out by the Commissioner:

(2) If a smaller percentage of the students, such as 4 or 5 percent, transferred from segregated schools for the 1965–66 school year, a substantial increase in transfers would normally be expected, such as would bring the total to at least triple the percentage for the 1965–66 school year.

(3) If a lower percentage of students transferred for the 1965–66 school year, then the rate of increase in total transfers for the 1966–67 school year would normally be expected to be proportionally greater than under (2) above.

(4) If no students transferred from segregated schools under a free choice plan for the 1965–66 school year, then a very substantial start would normally be expected, to enable such a school system to catch up as quickly as possible with systems which started earlier. If a school system in these circumstances is unable to make such a start for the 1966–67 school year under a free choice plan, it will normally be required to adopt a different type of plan.

Mr. President, these criteria clearly impose a direct obligation to balance the races in the schools according to an arbitrary standard set by the Commissioner.

What is the penalty if this is not done? The penalty is the most cruel blow of all to a school administrator.

The Commissioner says: "If you don't do what we say, we are going to withhold the money."

This is going on all over our area of the country now. I do not know whether it will ever happen in any other place in the country. If it is being done in one section of the country it certainly should be done in every other section.

There are many other areas of this Nation in which these school conditions exist on percentages far lower than the requirements being set here now.

The authorities issued an order that—

For the first few years at least, if you have had a pattern of integration before, we are going to let you have the money. We are going to leave you alone and let you have the money.

Something came up in Chicago recently. I am not familiar with all of the details. However, there was some argument about the situation in Chicago and the authorities withheld that money temporarily.

As I recall, Mayor Daley went into the matter, and they had some very strong conferences, and that temporary restriction was removed, and they paid the money.

Clearly, these criteria set forth in the current guidelines impose an obligation to balance the races in the schools according to an arbitrary standard set by the Commissioner. When these criteria are combined with the Commissioner's dictates on transportation, they add up to a requirement that students be bused to overcome racial imbalance in the schools.

Elsewhere in his guidelines for free choice plans, the Commissioner directs that—

Where transportation is generally provided, buses must be routed to the maximum extent feasible so as to serve each student choosing any school in the system.

This is clear violation of section 407 (a) of title IV, declares that—

Nothing herein shall empower any official . . . of the United States to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance. . . .

Mr. President, this is somewhat technical, but these regulations have the power of law, they have the power of life and death with reference to the payment of the money. There is absolutely no warrant whatsoever in the Secretary's regulations for the racial quotas which the Commissioner has adopted as a condition to Federal assistance. The regulation issued by the Secretary imposed, first, in the langauge of section 601 of title VI, a general prohibition against discrimination in programs receiving Federal aid, and this is followed by six specific prohibitions against:

First. Denying any person the benefits of a program on the basis of race;

Second. Providing, on the basis of race, benefits which are different or are provided in a different manner from that provided to other persons;

Third. Subjecting any individual to segregation or separate treatment on the basis of race in any matter related to his receipt of benefits;

Fourth. Restricting any person on the basis of race in his enjoyment of benefits received by others.

Fifth. Treating any person differently, on the basis of race, in determining

whether he is entitled to benefits under the program;

Sixth. Denying any person an opportunity to participate, or affording him an opportunity to participate differently from that afforded others, on the basis of race.

These prohibitions are the extent of the substantive requirements of the regulations. They are all couched in the negative, enjoining discriminatory action. None commands affirmative action to achieve any arbitrary degree of integration. None authorizes the assignment of racial quotas to be filled by a school before Federal assistance is forthcoming.

Mr. President, we have the sad fact in this situation that these interpretations of title IV were given on the floor of the Senate by responsible men, who were in responsible positions and spoke with authority on those provisions. I know, within reason, that it was in cooperation with and in coordination with the Department of Health, Education, and Welfare, the Office of Education of that Department, which was to handle the bill. The administrators treated it as so much rubbish, although given in good faith by these Senators. It was treated as so much rubbish and was thrown into the ashcan by these Administrators of funds for elementary education as applied to schools in the South.

I want to make clear that I do not attack these Administrators personally. I know in my mind and heart that they are carrying out instructions from higher powers, from high authority, and they are told to institute rules and regulations to this effect and to get results. They are told to make a showing.

I want to illustrate one situation that I know of to my personal knowledge which existed in an area in my State where colored people live. Most of them live in one corner of this country, and they had a very fine school there. They were homeowners, landowners, farmers, many of them thrifty and industrious people. They were interested in their school. They had worked for it for years and had built it up.

Under these mandates that I have been talking about, that school board was told:

> You have to abolish your school. Abolish it. We won't give you a dime until you abolish that school.

This meant that they had to take those children out of that community and take them into some other community and put them in other schools.

The last I heard of that case was that the school board declined to do it, and forfeited the money. That area is not in one of the prosperous counties.

Not all of them are financially able to do what they want. But that is not the question.

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

Mr. STENNIS. I shall yield in a minute.

The question is the proper and correct interpretation of this law. The law must be followed. But interpretations are now given it that are wholly without authority and without foundation and therefore are not right. They do not have moral force behind them, because they are beyond the proper interpretation of the letter of the law.

I yield to the Senator from Louisiana.

Mr. LONG of Louisiana. Does not the Senator find it a travesty that some of the poorest counties in the entire country are taxed to provide funds to aid education in other parts of the country, and yet are denied the opportunity to share in the tax money toward which they have contributed, though they need it the most? And is it not especially unfortunate for that to be the case because some Washington administrator refused to interpret the law the way it was intended to be interpreted and as explained by the managers of the bill in the Senate?

Mr. STENNIS. The Senator is correct.

But that is exactly what is happening. They carry out these mandates that are justified only by the general language of title VI. They are directly prohibited by some of the mandates of title IV.

Nevertheless, these requirements are made; and instead of helping schools and making them move forward, they are trying to close some of them down, and it has proven to be a hindrance to education.

I thank the Senator.

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

Mr. STENNIS. I yield.

Mr. HOLLAND. In the same field about which the Senator is speaking, I wonder if he has run into the question of poorly qualified and hopelessly inadequate persons being sent out to lay down the law in the country areas of his State or in any State that he has observed.

Mr. STENNIS. I want to say this to the Senator from Florida: We have had some very fine and very magnificent people from HEW dealing with the fine school people in our State. I have in mind a very gracious lady, Dr. Elizabeth Cole. She was very understanding and of high quality. Unfortunately, she passed away toward the end of 1965. I want to pay tribute to her as being fine and upstanding. There have been others similar to this lady. But along the line others have been more or less arbitrary and demanding. The total effect has been to demean and downgrade and degrade the teachers who have the responsibility of operating the schools and educating the children.

Mr. HOLLAND. Mr. President, will the Senator yield further?

Mr. STENNIS. I yield.

Mr. HOLLAND. We have had a rather bitter experience in our State, in a group of northern counties, where the Negro population is very large. In fact, in some communities it exceeds the white population. We have had this experience: Four young people were sent into these particularly difficult counties to contact superintendents of public instruction who have served for years, principals who had been in charge of schools for years.

The oldest member of this team was 26; the others ranged down from that age. All of them were undergraduates—two of them law students—in the sophomore year, as I recall. I will have these facts and names for the RECORD when I have the opportunity to speak.

This particular team, consisting of both white and colored youngsters, traveled through those counties and left a path of disorder behind them wherever they went, because they so greatly aroused the antagonism of the professional school people, who have been spending their lives in education, by demanding things that were impossible of performance and that had nothing to do with any correct or reasonable standards under the act, and without being able to cite any authority for the demands that they made.

I wondered if the Senator had had troubles of that kind.

This caused quite a commotion in our State. I must say that when the matter was called to the attention of the Secretary of Health, Education, and Welfare—or the principal office here which handles it—they were all recalled.

More mature people were sent in. But this indicates the careless and unreasonable way in which authority has been given to people who do not have the requisite background at all. All four of those people had, among them, only 1 year of teaching experience. They were given the authority and responsibility of telling school officials what they should do in order to comply with the law.

Does the Senator think that that kind of enforcement, in a touchy subject matter such as this, is at all discreet, at all reasonable, at all apt to find the compromise, the give and take, and the acceptance that is necessary before a program of this kind can work in any constructive way?

Mr. STENNIS. I fully agree with the Senator. I am saddened to hear of the experience he has had, of the demands for results, demands for statistics, and the demands to make a showing. Our school people should not be subjected to such tactics.

I known that the fine teachers in Florida have the same attitude as teachers in my State and States all over the Nation. Our teachers and administrators are dedicated, professional people. They certainly do not serve for pay alone. That is not their primary objective. Most of them are humanitarians. They go far beyond the first mile. They go the second mile, the third mile, and often the last mile possible for a human to go in service to our children.

I think that next to the clergy, the teachers are the backbone of this Nation, not only in our school systems, but our system of government, because without their help our system could not continue.

I highly commend the Senator.

Mr. HOLLAND. I agree entirely with the analysis of the Senator as to the importance of professional teachers.

I hope some time to get the opportunity to make an address during this debate. I have been ready twice already, as the Senator knows. We have been deprived of that opportunity by the failure to produce a quorum on the part of those who advocate this legislation. I do not know why they are unwilling to debate the matter and unwilling to have the matter come to a head, but I have been hoping

to have the opportunity to read a communication on the subject I have just mentioned from our State superintendent of public instruction, who is an eminent teacher and citizen. He is running now for election, statewide, without opposition, either Democratic or Republican. He is a very mind-mannered man, and slow to express anger, and yet he is completely disillusioned by the kind of treatment the authorities have gotten from a large number—not just these four—but a large number of these agents who have been sent into our State to enforce standards which are not in accordance with the law and not laid down in any reasonable certainty.

I congratulate the Senator for going into this subject. If anything could bring a complete failure of title IV of the 1964 act, which the Senator mentioned and is discussing, it is this kind of administration of it, this kind of trying to ram things down the throats of our trained people who know their business and who think their people are enforcing the law. They run into this kind of attempted direction from untrained and more or less impassioned enforcers of the law who think they are there like angels presenting a message of freedom to people who are downtrodden. That is not the case in my State.

Mr. STENNIS. I thank the Senator. The Senator has made a contribution to the debate here today. I hope that later he will have an opportunity to discuss the bill, after he obtains the floor in his own right, and discuss these and other matters in the fine way in which he took an active part in the debates of 1964, as he did in most of the major debates. I know that his background as a former Governor and one interested in schools especially qualifies him to speak on this subject. I know our school administrators have to come to Washington or some place in Mississippi where they are told to come with their hat in their hands. They have to come begging. They have to come as educators should never have to come before any group, whether it be those appropriating the money or those making the law, much less those that hold merely administrative positions and acting under rules and regulations drawn contrary to some of the expressed provisions of this law.

Mr. President, this is a fair warning. We did not know in 1964 what kind of administration we would have of such laws as this touchiest political subject—civil rights—though some of us tried to give timely warning then, this might happen; but now we know. Should the housing section of this pass and the same thing should happen again, those who support it will have twice ignored a most urgent warning. We now know the pattern and the demands.

Mr. President, the people in other parts of the Nation have not been subject to these school requirements but they are taking notice. They are gradually taking notice of these things. They have not felt the lash of this policy of administration as yet, but they will feel it. Their time will come, unless it is only going to be an open pattern of sectional administration under these rules, as it started out to be.

Under this pattern, started in our area of the country, the strong hand of the Federal Government, flush with billions of dollars appropriated for education, will get to every part of the Nation and will invade every school in the Nation; that is, unless there is a deliberate plan to continue this sectional pattern.

The working people, the middle-income people, all groups of people will awaken some morning to find that their schools, their local schools as they have planned and built them, have been taken away. They will find their children carried away to some strange community, and in their places strange children from some far and new community will be brought in. This will be your fate under the present administration of the Civil Rights Act of 1964; that is, unless this sectional pattern is to continue.

Mr. President, the time will come for those in other areas, unless the people become aroused and stop it. The bill under debate now contains language which can and, I believe, will become the germ of the same pattern of operations in its administration as is now being followed by the strained interpretation of the Civil Rights Act of 1964. The people, the rank-and-file people of the Nation, sense this. They do not want to become the victims of such a pattern of operations. They are opposed to this bill in spite of all of its expressed motives. Their opposition is deep and sincere, and based on commonsense.

Mr. President, referring to some of the specific language of the bill under discussion, no complaint is required by the terms of this bill for the Secretary to launch an investigation. If, on the basis of information available to him, he has reasonable grounds to believe a violation may have occurred, he can open an investigation. Here we may find our experience in the South instructive. Federal administrators consider it to be irrefutable evidence of a violation of a new civil rights law that the prohibited activity was engaged in before passage of the law. No promise or assurance of future compliance will satisfy them, and they do not wait for a new violation. They pounce on those of the past and, with a vengeance, enforce the law retroactively. Thus, any neighborhood which traditionally has been segregated, any owner or agent who has never sold to a person of color in the past, will be faced with the prospect of an investigation by the Secretary of Housing and Urban Development the very day that the bill would become law.

If the Secretary finds a violation, he makes a complaint to the Fair Housing Board which is created by title IV. The Housing Board will appoint some "person or persons" to prosecute the violation, and the property owner and his records may be again subpenaed.

Title IV gives the appearance of carefully defining the activities which the Secretary and the Housing Board may superintend. In reality, the conduct covered is limitless. The illusion of specificity created by enumerating several prohibited acts is shattered by looking at paragraph 7 of section 403. It makes it unlawful:

> To engage in any act or practice, the purpose of which is to limit or restrict the availability of housing to any person or group of persons because of race, color, religion, or national origin or number of children or the age of such children.

This provision, in effect, delegates to the Secretary and the Board the power to revise and amend section 403 at will. Any act or practice which Congress omitted, but which they conceive to be discriminatory, automatically becomes a violation of the statute. It opens the way to complete control over the location, size, and price of new housing. If a builder or developer selects a site in a segregated area or builds apartments too small to accommodate children, or too expensive for "disadvantaged minorities," he may find himself in violation of title IV. It empowers the Secretary and the Board to impose occupant quotas on real estate brokers and apartment houses.

I point out this broad language, to make it unlawful to engage in any act or practice, the purpose of which is to limit or restrict the availability of housing, as being entirely out of place in a legislative act. I am satisfied that under the general rules of interpretation a court would strike it out as being too vague, indefinite, and uncertain. Language of that kind is never found anywhere in the courts except sometimes in an injunction pertaining to a party who is already expressly before the court and has already had a chance to be heard and to be represented by counsel. Then general language like this is put in an injunction, but before any punishment is involved, that same person would be brought before the court and have a chance to be heard on the same violation and be represented by counsel, and the testimony would be heard pro and con. Here we are asked to place in the cold, hard letter of the law a provision empowering an administrator to declare any act or practice unlawful that he might think limited or restricted the availability of housing. This goes beyond all reason and commonsense.

If paragraph 7 is not sufficient to secure absolute authority over community development, the Secretary can draw on paragraph (e) of section 409, which directs him to "administer the programs and activities relating to housing and urban development in a manner affirmatively to further the policies of" title IV.

Even where there is no authorization for affirmative action, as in the Civil Rights Act of 1964, Federal administrators are in the habit of interpreting a policy against discrimination as requiring integration. Thus, in conducting investigations and filing complaints under the open housing provisions of title IV, as well as in approving grants under Federal aid programs such as the recently passed demonstrations cities bill, which relates to every element of community life, the Secretary will be in a position to force the balancing of the races in every neighborhood throughout the land,

on whatever basis he may have in his mind at that particular time.

When we start to add up all the Federal investigators, administrators, prosecutors, checkers, and double-checkers that are loose in the land, it is unthinkable that Congress would pass such general, far-reaching, loose-language legislation as this.

Further, as introduced by the administration, the bill would have brought every private home and homeowner in the country under the jurisdiction of the Secretary of Housing and Urban Development. The bill would have covered nothing less than 100 percent of the Nation's housing. When it became apparent that a bill so broad in coverage could never pass, its proponents fell back on the age-old device of divide and conquer. Purely to gain votes, the bill was amended to exempt individual homeowners.

This restricted the application of the bill to an estimated 40 percent of the housing. I do not know how accurate that estimate is; but the opposition was reduced enough to pass the bill in the House of Representatives.

But, Mr. President, every well-informed schoolboy knows that if we let this bill become law, the die will be cast, the pattern will be set, and they will be knocking on the door with all the combined pressure that can be mustered throughout the entire country to wipe out the "discrimination" of this House of Representatives amendment, and make it across the board. And in principle, if Congress has the right to regulate some of the people with reference to how they can sell their homes, it is under an enduring responsibility to regulate all of them, rather than exempt a group in order to overcome a political hazard.

Mr. President, part of the tragedy of the whole picture that has been presented is that they justify this measure, or try to justify it, under the commerce clause of the Constitution. It is an insult to the intelligence of every citizen of sound mind in the country to tell him that his house is subject to Federal regulation because it is a part of interstate commerce. Merely to state the proposition is to reduce it to an absurdity. Perhaps the Attorney General might be able to persuade himself, with a series of subtle legal fictions, that a house moves into interstate commerce, and a Congress eager for results and heedless of the Constitution may accept his assertion that it is so, but the average citizen will certainly be amazed to hear it. A claim so obviously contrary to commonsense can only encourage the growing disrespect for law.

If I may, Mr. President, I can give an illustration. As I have said, the provision which would apply to individual homeowners is not in the bill now. It has been taken out by the House of Representatives. But the passage of this bill would be an open invitation for an extension of it.

I know of a home, in the small town in which I live, that was built 35 years ago. It is standing there now largely as it was when it was built. It, of course, has never been in any way affected by interstate commerce of any kind. There is nothing in that home that ever moved in interstate commerce, except perhaps the nails and some metal, some decorations and some electric wires. Most of the house was built of local timbers. Perhaps the roofing moved in commerce.

There has never been a Federal dollar in that home. There never has been any dollar in the home, because it was paid for when it was built. The man and his wife have reared their family there. It has never been anything except a dwelling house for them. Of course, it has never had any kind of a Federal function, and has never had any public function or public aspect of any kind.

Now, 35 years after it was built, this provision in this bill has come along, and would declare it to be in interstate commerce. As I say, it has been the home of that family, and the only home they have ever had. They reared all their children there, and still live there. But this provision would have declared that to be interstate commerce; and therefore, these people could not have sold that home, they could not have advertised it for sale, or anything of that kind, without complying with the Federal requirements, and subjecting themselves to inspection and having an agent looking over their shoulders; and if they had not complied with all that, even though they might have been selling it to their next door neighbor, who had lived there 30 years or more, he would run the chance of having the sale set aside, or even being prosecuted for violating the Federal law.

Mr. President, if we have gotten down that low in the barrel of regulations and policing of people, as one who has supported wholeheartedly the war in Vietnam, I ask, if we are down that low with our own people, in taking away their liberties and freedom, why are we sending our boys over there to fight on the other side of the world? I say that emphasizing that I support the war 100 percent. But if this is to become the law of this land, what is left of the little fellow's freedom?

As another illustration, I think of another couple who have been paying monthly payments on their home for 10 or 12 or 15 years. They are looking forward to the time when it will be paid for. Suppose that happy time should arrive. If this bill as introduced should become law, they would find out they did not own that home, they could not dispose of it or sell it, that it was not theirs to dispose of as they wished, or to rent somebody a part of it, without this Federal supervision, somebody there controlling and directing the sale, and that they faced the prospect of having their title set aside, for violation of the Federal law.

If that is what the people of America want, under some other guise, for some wholly immaterial reason, that is what they can get. But I believe that when they wake up and realize what these laws mean, and what the operation of them is, that, as I have already said—and I merely refer to it now for emphasis—there will be an uprising at the polls, and there will be a rewriting of some of the laws of the land.

While beguiling sophistry is being used to make new law under the commerce clause, blunt power is being used to unmake old law under the 14th amendment. Title V of the bill makes it a Federal crime for an individual to injure or interfere with a person because of his race while he is engaged in any one of several activities such as renting a house, riding on a common carrier, or eating in a restaurant. Congress is urged to assume this local police power over private individuals under the authority of the 14th amendment.

For almost a hundred years it has been held by the courts and believed by the bar that the 14th amendment prohibits only State action and does not apply to purely private individuals. This uncommon unanimity of legal opinion is explained by the fact that the 14th amendment itself refers specifically to State action and makes no mention whatever of individuals.

On March 28, of this year, however, six Justices of the Supreme Court announced, in the case of United States against Guest, that "a majority of the Court today rejects this interpretation." In one paragraph of dicta the Court rewrote a century of legal history and the Constitution as well.

With this advisory opinion in hand, the Attorney General hastened to Congress with an invitation to join the executive and the Court in amending the Constitution. The Court had authorized the law, the executive had drafted it, and all Congress need do was rubber-stamp it. Congress, however, cannot discharge its duty to the people and the Constitution by blindly approving every off-the-cuff opinion of the Supreme Court or meekly surrendering to every demand of the executive. The people expect, and the Constitution requires, that Congress bring its own independent wisdom and judgment to bear on the question. It cannot faithfully delegate that responsibility to six Justices and the Attorney General. Indeed, Congress labors under a heavier responsibility precisely because of the Court's advisory opinion. By upholding in advance the power of Congress to enact this legislation, the Court has served notice that here in the Congress is the only place where the issue will be given a full and fair hearing.

Considered on its merits and apart from the Court's advisory opinion, it is clear that title V is unconstitutional, but if it is passed it will be enforced and upheld. To agree to it, therefore, is to amend the Constitution. For once, however, Congress is in a position to halt the Court's efforts to circumvent the amending process. This flagrant attempt to amend the Constitution cannot succeed without the active cooperation of Congress. If Congress stands firm on established constitutional principles and refuses to sanction this seizure power, it can repel this latest assault on the Constitution.

To demonstrate how far title V would take the Federal Government in supplanting local police functions, let us

examine for a moment one of its specific provisions. Paragraph 3 of section 501, for example, makes it a Federal crime to threaten or injure anyone because of his race while he is "participating in or enjoying any benefit, service, privilege, program, facility, or activity provided or administered by the United States or by any State or subdivision thereof."

In this day and time it is difficult to imagine a more comprehensive basis for Federal jurisdiction. Considering the combined activities of Federal, State, and local governments, there is probably not a person in the country who is not covered several times over by this provision. If any one of them any where, any time, should fall victim to interracial violence, the Federal Bureau of Investigation would have the authority and the duty to conduct an investigation to determine whether the attack was "because" of race or national origin. If the investigation should disclose probable cause to believe the assault was racially motivated, the Attorney General would have the authority and duty to prosecute the case in Federal court.

Mr. President, I appreciate the indulgence of the Senate.

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

Mr. STENNIS. I am ready to yield the floor, if the Senator wishes.

Mr. LONG of Louisiana. Mr. President, the Senator has made a very fine point and has made a great speech, and I congratulate him.

Mr. STENNIS. I thank the Senator.

Mr. LONG of Louisiana. May I say to the Senator, it seemed to some of us, when the Civil Rights Act of 1964 was passed, that the sponsors of that act had undertaken to provide for all the compulsory racial integration and for every type of desegregation that anyone at that time could think of or justify.

Since that time, it would appear to some that perhaps those who would like to humor these marchers and these demonstrators and rioters in the streets apparently have just run out of something reasonable to advocate, when they come in with a bill like the one now advocated here. I ask the Senator if that is not the impression this kind of bill gives him.

Mr. STENNIS. I think so. The Senator was called out of the Chamber for a few minutes when I started my speech. I said that this was born as a political measure.

So much has been doing along the lines of civil rights, and passing legislation, in the last few years, it cannot be digested by the Government or by any group, and they are still preaching and marching in the streets. But I do not mean to get off on that.

The Senator is correct. This is not a matter of real need; it has no justification in law. It is just getting something else to offer the group for political reasons.

I thank the Senator, and I shall listen to his speech with the greatest of interest.

Mr. LONG of Louisiana. Mr. President, for more than a week now, this body has been engaged in serious debate, just as it has been for similar periods in the last several years, over an administration civil rights proposal. Extended debates of this sort are always trying to the Members, but the atmosphere is always one of courtesy and geniality, and it is heartening as usual to see the Senate come together as a great deliberative body.

According to my records, I have participated in this sort of debate at various times since I first came to the Senate, beginning in 1949 and including, among others, 1957, 1960, 1964, and most recently in 1965.

It is perhaps appropriate at the outset of my comments today to recall the omnibus civil rights bill of 1964. Senators will remember that, because that far-reaching legislation had received little or no consideration in the proper committees of the Congress, we southern Senators undertook to defeat it, or at least to refine the bill and lessen the offensiveness of its application to the people of the South.

After the Senate saw fit to impose cloture and limit floor debate to 1 hour per Senator, I made use of my hour to successfully urge the passage of amendments that I thought were constructive and only fair. Inasmuch as both dealt with the concept of private property, I should like to refresh my colleagues on their intent.

One of my amendments applied to that section of the bill excluding from coverage "bona fide private clubs." The amendment removed the word "bona fide" from this language. It was my fear that the courts would rule that the national policy having, in effect, declared that segregation was wrong, there could be no good faith or "bona fides" where a private club knowingly limited its membership to members of the Caucasian race. Thereby a court could have ruled that private clubs would be covered by the public accommodations section of the bill. My amendment established the rule that a club or any other establishment would be judged, not on the intent or purpose of its organizers, but on the basis of whether it was in fact open to the public. This amendment preserved to some extent our right of freedom of association despite passage of the civil rights bill.

More significant, for purposes of our current debate, was my second amendment, which restricted title VI of the bill, which allows the withholding of funds from federally assisted programs in which "discrimination" is practiced. The amendment provided that the new powers under title VI did not apply to financial assistance given by the Federal Government through contracts of insurance or guarantee. This meant that if a bank or savings and loan association insured by the Federal Government loaned a person money to build a house, it does not have to insist on nondiscrimination in the sale or rental of that house as a condition to lending money to finance the transaction. This meant that the civil rights bill would not become a national open-housing law. Adoption of my amendments preserved two fundamental American traditions regarding a man's private property rights.

The significance and timelessness of that reference is now evident for we are met here once again to consider civil rights legislation whose most controversial and broad-ranging provision is that which would greatly infringe upon private property rights which Americans have enjoyed since the very birth of this great Nation.

Mr. President, it might be worth pointing out that, when the Senate by a virtual unanimous vote and without objection agreed to the amendment to the 1964 Civil Rights Act, it was in effect saying that as of that date, 1964, the Senate did not think it appropriate to pass any open housing law which would deprive our citizens of their right to select the person to whom they would sell or rent their property.

While this legislative package has various and sundry sections or titles, it would be idle to assume that the phrase "open housing" has not become synonymous with the civil rights bill of 1966. Its intent and implications represent so radical a departure from even past civil rights measures that it has encountered opposition not only from southerners but from others of this great body, notably our distinguished minority leader. When such a champion of civil rights as the Senator from Illinois cannot reconcile with his conscience a vote for this proposal, then clearly consideration of such proposals by this House should be rational and restrained.

We of the South have been much maligned for our oppposition to the various civil rights proposals down through the years. By their proponents we have been accused of the grossest of things. But the one thing of which no one can justifiably accuse us is a lack of sincerity in our dedication to our Constitution and the freedoms which it guarantees. Southern Senators and Representatives hold honored positions in the history of this country, and their contributions to the good of the Nation are too great to be detailed at this time.

It is always with a certain amount of regret that I hear of someone questioning the motives of southerners in their resistance to civil rights legislation. My prime motivation in opposing all such legislation has been the abiding hope of preserving for the people the constitutional principles upon which this Nation was founded. For perseverance in this regard, I am prepared to put my record alongside any southern Senator.

One will search in vain to find that my remarks have ever been disrespectful of the Negro or unsympathetic to his problems. It would be folly to contend that some of the most misguided of southerners have not exploited and mistreated the Negro, but my colleagues know very well the record of the Senator from Louisiana on this matter. And I am proud to say that has been the attitude of other members of my family in public service, including my father. We have always believed the Negro's thinking was very much akin to that of other less privileged Americans, and we have constantly sought to provide him, along with other less privileged Americans, the social and economic opportunity and capability to improve his lot.

I number among my good friends many Negroes whose good will I esteem

and appreciate. I have discussed this subject with them many times and do not know of a single one who considers me intolerant of or indifferent to their natural desires to improve their situation and attain all the benefits our society has to offer.

From time to time, I have made statements in Louisiana to the effect that we should be providing our Negro citizens with a better education, better employment, opportunities, and a meaningful right to vote. Such declarations have on occasion led to an uproar by some of the southern rightwing reactionaries who were unable to realize that we either had to meet our problems at the State level or have someone at the Federal level do it for us—in ways much more objectionable than had we provided the answer first. Responsible southern lawmakers are accustomed to attack from the rear from the rightwing extremist element, but there remains the duty and obligation to assume a reasoned approach to our problems. Notwithstanding them, we have contributed in a meaningful way to the proper advance of the just aspirations of our Negro citizens.

Few people in this country are dedicated to keeping 20 million Negro Americans at a subservient and inferior social and economic level; indeed, most of us would like to see the Negro advance and take his rightful place, fully enjoying all rights and privileges of American citizenship. The question that locks this great body in argument year after year is how best to approach that goal. Negroes have made phenomenal progress in this country in the last few decades, but I for one question whether such measures as that before us today will accelerate or impede that progress.

ORDER FOR RECOGNITION OF SENATOR M'CLELLAN TOMORROW

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the senior Senator from Louisiana may yield to me for a unanimous-consent request without losing his right to the floor.

The PRESIDING OFFICER. Is there objection? There being no objection, it is so ordered.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that tomorrow, immediately following the conclusion of routine morning business, I may be recognized.

Mr. JAVITS. Mr. President, may we have the Senator's request restated?

The PRESIDING OFFICER (Mr. TYDINGS in the chair). The Senator from Arkansas asks unanimous consent that immediately following the conclusion of routine morning business tomorrow he be recognized.

Mr. JAVITS. To speak in the debate on the bill, may I ask the Senator from Arkansas?

Mr. McCLELLAN. Yes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arkansas? The Chair hears none, and it is so ordered.

Mr. LONG of Louisiana subsequently said: Mr. President, I ask unanimous consent that in the event there is no morning hour tomorrow, the Senator from Arkansas will be recognized.

Mr. McCLELLAN. Immediately upon convening and the ascertaining of a quorum.

Mr. LONG of Louisiana. Immediately upon convening.

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

ORDER FOR RECESS UNTIL 11 A.M. TOMORROW

Mr. LONG of Louisiana. Mr. President, without prejudicing my rights to the floor, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11 o'clock tomorrow morning.

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

Mr. LONG of Louisiana. Mr. President, the proponents of open housing argue that it will move the Negro one step closer to first-class citizenship by enabling him to escape his ghetto conditions. Such hollow reasoning does not take into account the economic realities surrounding the Negro. Without an improvement in his economic plight, so-called open housing will be no more than an empty, frustrating, irritating promise to him. It is entirely likely that this type of artificial, or paper, equality will lead to more charges of white hypocrisy against those who claim to be giving the Negro equal rights.

It is not so much discrimination as it is a lack of money which prevents large numbers of Negroes from owning good housing and enough property. I happen to believe that when the Negro has enough money to buy property and to pay for good housing, he will find that the right to own his property exclusively and to sell it to whomever he pleases is as precious a right to him as it has been to those citizens who have possessed such a right in a meaningful way since the beginning of American history.

I have used the term "first-class citizen." Strange as it may seem, my opposition to the bill is dictated by a concern that it, compounded by the effects of other forced integration measures, will cause all of us to become second-class citizens. This seemingly incessant parade of Federal integration statutes is depriving us of more personal freedoms than it is providing.

It would be far better for the Negro to move up to the enjoyment of those many rights and privileges, including the actual full title to property, than for him to be the instrument by which historic freedoms were removed from everyone until all have been lowered to his social and economic level, rather than elevating him to theirs.

It would be a sad travesty for the Negro to find that he had achieved the rights of so-called first-class citizenship, only to discover that the first-class citizenship of his day was no better than second-class citizenship had been in an earlier day.

FOUR BASIC OBJECTIONS TO TITLE IV

It is my hope that time will permit me today to cite and discuss four basic reasons which speak strongly against enactment of the so-called fair-housing section of this bill.

First is that the right of a person to own and dispose of his property at his own discretion—and to associate with others as he pleases—is a fundamental right, and it strikes close to the heart of the liberty and freedom to which all men are entitled. I mentioned this subject a moment ago, and I shall examine it shortly in greater detail.

My second reason for opposing this provision is that the real need of the Negro in this area is for him to improve his own lot, both socially and economically. Most Negroes cannot afford the housing which this bill would seek to make available, so open housing laws would be largely useless, and would serve as only more needless Government regulation and redtape.

The urgent need is for self-help; for the Negro to provide for himself access to the quality housing which is sought to be afforded to him under this bill. He needs to elevate his economic and social stature to the level of others, not to lower theirs to his. When he does so elevate himself, I believe he will find that he, too, will approve of and appreciate the full prerogatives attendant to private ownership of property.

My third area of concern is that it is very likely that if title IV, the fair-housing section, were to become law, it would be enforced in a prejudicial and abusive manner. It has become increasingly evident that there are extremists on both sides of the race issue. Doubtless, the administrators of this program would include a high percentage of overzealous bureaucrats who want to exercise a reckless disregard of practical problems in their pursuit of total integration. Similar abuses have already surfaced with respect to the 1964 Civil Rights Act, and in many instances they have in fact become official policy.

Fourth, title IV would most certainly be detrimental to property owners even on a purely practical basis, over and above the deprivation of the basic rights associated with property. Troublemakers and militant extremists could urge cases of racial bias and could cause preliminary injunctions to be issued against housing sales and rentals, without even any testimony or defense.

A home might be off the market until the rendering of a final decision—which, because of crowded court dockets, might be as far away as 3 years. Section 406 of the bill goes so far as actually to encourage this sort of practice, for it would authorize the payment by the Government of the plaintiff's attorney's fees and court costs. But the defendant homeowner would be compelled to foot the full expense of defending against the most spurious of charges; he would pay whether he won or lost.

A FUNDAMENTAL RIGHT CLOSE TO THE HEART OF LIBERTY

Mr. President, I believe that every man, with respect to his own property, should have the right to act to encourage the development and maintenance of the kind of neighborhood in which he wants to live and raise his children. A man's feelings in this regard do not necessarily spring from prejudice. He simply may not wish for his children to absorb the values and attitudes of a culture different from his own. He may wish for his family not to endure traits and habits of others which he deems distasteful.

No matter how worn the phrase, a man's home is his castle, his fortress, his refuge, his resting place. If he has put forth the work, energy, skill, and initiative to acquire the means with which to make it represent all these things, then they are rightfully his and the Government should not take them away. Title IV, if enacted, would do just that.

I fail to see the fault of a housing developer planning a neighborhood to appeal to people with certain opinions of what is best for their families. There is nothing wrong with people wanting to keep their neighborhoods as they are, free from influences which they feel are alien and undesirable. It may very well be that their beliefs are wrong, but it should be their prerogative to make up their own minds and to pursue what is best, as God gives them the light to see the right.

It is this freedom to think as one pleases that is the hallmark of our society. Surely, we are not to become so subjected to "big-brotherism" that our values are dictated to us by the state and we are no longer allowed to form our own opinions.

Negroes, just as all other men, will also want to perpetuate their neighborhoods as they believe they should be. When they begin to earn enough money, they will want to engage in the same practices as other people. If this housing section is enacted, however, they will discover their new status sadly lacking, for it will not offer all of the advantages that it otherwise would have.

Those Senators in favor of this bill should realize that it outlaws not only considerations of race, but also considerations relating to the number of children or the age of such children. Although I personally am not ready to settle in a retirement village, persons who no longer have any children living with them ought to be able to enter one if they so desire and have the means to do so. Why should not people with similar interests—such as age, or a desire to be away from the noise of raucous teenagers and crying babies—be allowed to live in the same neighborhood?

The same rationale applies to people who want simply to live in neighborhoods where most of the residents have similar values and attitudes.

The fact that a person's color is different is not what makes him undesirable as a neighbor to many people. It is simply that color is read as a sign that a person is from a different culture. There is the fear among some people that this vastly different culture will exert an unwholesome effect and influence upon one's own family.

It cannot be denied that the values, attitudes, and the manner of living of Negroes, taken as a whole, are considerably different from those of whites. In fact, this was the central theme of a recent publication issued by a no less reputable source than the Office of Policy Planning and Research of the U.S. Department of Labor. This publication made clear the differences in education, literacy, crime and delinquency rates, occupation, illegitimacy, percentage of families with fathers absent, and number of children receiving welfare assistance.

THE SECOND ARGUMENT—IT IS BETTER FOR THE NEGRO TO GAIN ACCESS TO HOUSING BY SELF-HELP

These differences bring me to the second reason for opposing open housing: both whites and Negroes would benefit from the Negro's raising his standards to those of whites, rather than pulling the higher standards down to his level. Presently few Negroes can afford the housing which the proponents of this bill hope to make available to them, so its provisions will serve primarily to encourage needless governmental regulation, redtape, and, in many cases, harassment. It is far better to encourage self-help among Negroes: when they begin to develop the skills and abilities necessary to hold higher paying positions which will enable them to purchase such housing, then the Negroes who have obtained these levels will want to establish their own residential patterns, just as various groups of whites have done.

It would appear to be the better part of wisdom for those who are striving so hard to push through this legislation to pause and take stock of the many genuine successes Negroes have achieved in past years. For example, in the past 15 years the number of Negroes enrolled in colleges has doubled. The number of Negro professional men has doubled in the past decade. Negro buying power has risen to $30 billion from only $3½ billion 25 years ago. Adjusting for differences in purchasing power, this represents an increase of nearly 300 percent.

These achievements did not grow out of mass marches and demonstrations. They did not come as the result of wanton violence in the streets. No Federal legislation brought about these successes. These are the achievements of old-fashioned initiative and hard work by individual American Negroes taking advantage of the great opportunities for self-improvement offered in our society.

The road to success is the same for the Negro as for the white man. It is not the self-defeating path of the protest march with its placards and songs, its fires and hurled stones. The achievement road is the uphill route where the climb is made only by those fueled with ambition and initiative and powered by hard work and tenacity.

Hundreds of thousands of young people today have embarked on this journey by taking full advantage of this Nation's unparalleled educational opportunities which offers the promise of a fuller, better life for themselves and their children. They have come to realize that, in the final analysis, it is education, not the passions of a mob, that is the key that will unlock for them the gates that imprison the poor.

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

Mr. LONG of Louisiana. I yield to the Senator from Georgia.

Mr. TALMADGE. I compliment the Senator on the point he is making. I thoroughly agree with him. Every American citizen is limited only by his knowledge, energy, ambition, and skill; is that correct?

Mr. LONG of Louisiana. The Senator is correct. I appreciate the statement of the Senator.

Mr. TALMADGE. If being born in poverty made people criminals, Abraham Lincoln would have been the Al Capone of his day; would he not?

Mr. LONG of Louisiana. The Senator is correct.

Mr. TALMADGE. President Lyndon Johnson was born quite poor, was he not?

Mr. LONG of Louisiana. The Senator is correct.

Mr. TALMADGE. His family then would have been considered at the poverty level today, would it not?

Mr. LONG of Louisiana. My understanding is that this would be correct. His family would be at the poverty level.

Mr. TALMADGE. President Johnson, by his energy, ambition, initiative, determination, and courage made something of himself; is that correct?

Mr. LONG of Louisiana. The Senator is correct.

Mr. TALMADGE. Is it not true that in order to succeed in today's complex world the first thing that a person must do is to get all of the education possible?

Mr. LONG of Louisiana. The Senator is correct.

Mr. TALMADGE. And the second thing that a person must do is to develop character, ambition, and skills; is that correct?

Mr. LONG of Louisiana. The Senator is entirely correct.

Mr. TALMADGE. Are not all of the daily newspapers in America today filled with advertisements and help wanted columns seeking people with skills?

Mr. LONG of Louisiana. The Senator is correct.

Mr. TALMADGE. And if a person has the skills he gets the job; and he gets a better salary, better wages, which enables him to get the better things of life, to live decently, a home, automobiles, and clothing?

Mr. LONG of Louisiana. The Senator is correct, and for those sophisticated skills, particularly fully developed skills, there is a shortage, as the Senator knows. There are not enough skills to go around.

Mr. TALMADGE. Congress could pass all of the bills that this room could hold, trying to improve people, but they would not amount to anything unless the individual improved himself; is that correct?

Mr. LONG of Louisiana. The Senator is correct.

Mr. TALMADGE. Is it not correct that every one of the 190 million American citizens have that opportunity at the present time?

Mr. LONG of Louisiana. The Senator is correct; they do. Some people have not taken full advantage of the opportunity, but the opportunity is there. What is needed, to a very considerable extent, for the Negroes of our country is that they learn how to take full advantage of the opportunities. Many of them have learned, but for those who have not learned yet, Congress cannot pass a law which would make them learn. They will have to do it themselves.

Mr. TALMADGE. I fully agree with the Senator. The Senator's father was an outstanding example of a man with

ambition, courage, and initiative who became a successful person. The father of the Senator worked his way through college, did he not?

Mr. LONG of Louisiana. He did not go to college very much, but his family advanced on the basis the Senator mentioned. The first child went through college, and he helped the others to borrow money, or by lending a little money. The boys helped the girls and the boys helped one another, to the point where all of them were successful. They were successful lawyers, dentists, and men in public affairs. All of the boys were successful and all of the girls married well.

Mr. TALMADGE. In the final analysis, it was determined by the individual man himself.

Mr. LONG of Louisiana. The Senator is correct. The same thing can be said for my grandfather, who was a farmer who had to work with his hands for everything he had, working the red clay hills in Louisiana, which are something like those in Georgia. This is a very hard way to make a living.

Mr. TALMADGE. The Senator is correct.

Mr. LONG of Louisiana. My grandfather was a country farmer who had a hard time making ends meet, but he saw to it that every one of his nine children received some college education, and each of them was a success in life.

Mr. TALMADGE. Mr. President, will the Senator yield further?

Mr. LONG of Louisiana. I yield.

Mr. TALMADGE. In the capital city of my own State, Atlanta, Ga., we have a large population of Negroes. In fact, about 40 percent of the population of that city is composed of Negroes. They have mile after mile of homes there that cost anywhere from $25,000 to $150,000. Some of them have butlers, chauffeurs, and Cadillacs. There are many professional men. Some of them run banks, insurance companies, and some are dentists, doctors, and skilled people. But they did not come to Congress asking for a law. Many of them came from humble origins. In fact, one of my friends there, a judge, passed away last year. His father was quite poor and yet by his ambition and initiative his son became one of Georgia's most prominent lawyers. The opportunity is there if they exercise it, is it not?

Mr. LONG of Louisiana. The Senator is correct. The opportunity is there.

Leadership is the principal thing that is needed to help the Negro advance himself to where he should be and where he will be one day, I am certain. It will not be by leadership that goes out and pads the concrete streets shouting, chanting, and throwing stones. What is needed is good leadership. To a large extent the Negro community is getting that leadership. It may be late coming, but it is there.

The Negro has made tremendous progress and under that kind of leadership he will continue to make progress. When he achieves, it will be by hard work and making his way as every other minority has made its way, and it will be much more meaningful. He will be more proud of his property ownership than he would be if he were subject to Federal dictatorship with respect to whom he can sell or rent his property. He will be more proud than he would if he had to adjust to the so-called equality resulting from the stripping away of some of those rights which he should seek to possess himself.

Mr. TALMADGE. What the Senator is saying is that we cannot advance rights by destroying the rights of all; is that not correct?

Mr. LONG of Louisiana. In the last analysis, instead of all becoming first-class citizens, we would all become second-class citizens.

Mr. TALMADGE. The Senator is correct. The people would be wards of the Government.

Mr. LONG of Louisiana. Yes. The Senator mentioned some of the problems of education. He knows this to be true; that to hold the more responsible jobs in business, in commerce, in industry, or in any profession, a person must first achieve a reputation for honesty. Without disparaging any group, it is worth while pointing out that honesty is something which is not an inborn trait. Human beings are not born honest. They learn honesty from their parents, from school, their schoolteachers, from those with whom they associate. It is something which is acquired. The law does not give it to us. We have to be taught that way of life.

Mr. TALMADGE. We do not attain it by burning down stores, looting, and throwing Molotov cocktails.

Mr. LONG of Louisiana. The Senator is correct.

Mr. TALMADGE. Nothing constructive can ever be gained by doing those things. It creates anarchy, destroys a free people, a free society, and free government for all; is that not correct?

Mr. LONG of Louisiana. The Senator is completely correct. A person must acquire respect for the rights of others, including property rights. When a person seeks to advance his rights by destroying those of others, those who would seek to do it that way tend to take onto themselves something of a persecution complex. When we talk about getting good jobs, it is far better for someone to hire, say, the Senator from Georgia, or me, or anyone else, because they want to hire one of us and think that he is the man they are looking for, and not by passing some law and saying, "You have got to hire that man."

Mr. TALMADGE. It is second only to life and liberty itself, is it not? The right to own and possess and enjoy property is the greatest right of all, is it not?

Mr. LONG of Louisiana. That is one of the finest rights the Constitution protects, the right to own property and the right to have exclusive possession of it. That is one of the rights for which our forefathers fought and died to maintain.

Mr. TALMADGE. But this bill would take away that right, is that not correct?

Mr. LONG of Louisiana. The Senator is correct. As the Senator knows, even those who sponsor the bill look upon this only as a first step. If the bill should become law, then they will want to strip away other rights from the American people.

Mr. TALMADGE. I thank the Senator, and I agree wholeheartedly with him.

(At this point, Mr. YARBOROUGH took the chair as Presiding Officer.)

Mr. LONG of Louisiana. Mr. President, new jobs and new business opportunities come to those who made the effort to equip themselves with learned skills. Without education and thus without the requisite skills these opportunities are lost, and the consequence is likely to be a dismal future.

What I am saying then is that the Negro, like the white man must seek opportunity, not security. He must somehow refuse to be content with being a kept citizen, humbled and dulled by having the State look after him. He must be willing to take the calculated risk, to dream and to build, to fail and to succeed. He must, in his own way, learn to refuse to barter incentive for a handout, a dole, to prefer the challenges of life to the guaranteed existence, the thrill of fulfillment to the prospect of the stale calm of utopia.

I do not wish to suggest, in making that statement, that great numbers of Negroes are not doing exactly that. I think that the overwhelming majority are. It is in that direction that the answer is to be found.

The effort to impart white culture, economic independence and personal responsibility to the Negro has been a policy pursued in the South for many years. The relative speed and success of such an effort, however, has and must remain subject to the Negro's own effort and desire to advance his own cause. Oddly enough it is in the Southern States where the segregation fight began that the greatest effort has been made to improve Negro educational opportunities. This is not to say that run-down schools do not exist in some rural areas. They do. But they exist equally for white children and Negro. A look at school budgets in the South will show that these backward facilities are fast being replaced by up-to-date consolidated schools with the most modern teaching equipment.

Throughout the Southern States, Negroes are employed in large numbers in industry and many own their own businesses. When Negroes qualify to do the same kind of work as whites, they earn the same wages. Thousands of our Negroes are employed on farms, many of them as farm managers. The South has a number of thriving colored educational institutions that have been in existence decades longer than in the North and in greater abundance—schools such as Southern University and Grambling College in my own State of Louisiana; Jackson State College, and Mississippi College in our neighboring State of Mississippi; Tuskeegee Institute in Alabama; and Florida's Florida A. & M. College.

Thus, we in the South can say that substantial opportunity has been available to Negroes who genuinely want to succeed.

While Negro leaders have publicized the Negro's struggle as a drive for economic advancement, what has actually evolved is an attempt on the part of some of them to invade the social privacy of whites. Thus, Negroes have abandoned

a purely honorable and reasonable goal of economic advancement for an impossible goal which has no real tangible meaning for the welfare of the Negro. For a large, unproductive segment of the Negro population this can only mean abandoning the proper and beneficial course of self-improvement for a destructive twilight hour of self-indulgence. By destroying initiative and fanning the fires of white resentment, the Negro is set farther back in his development than a saner course could have led him.

There appears to be no necessary connection between integration and a higher standard of living. The validity of this point is strengthened by the fact that hundreds of thousands of Negroes using available facilities have become quite successful. Instead of seeking sucvess as a means to integration, some Negro leaders have turned integration into an end itself and switched from personal effort to class war. Many Negroes have been mobilized for revolution through the promise of spoils, which appear attractive, when the traditional route to success offered nothing but hard work.

The most successful Negroes to come across the American scene were those who refused to allow segregation to stand in the way of their advancement. Instead, they took advantage of what was available and they made the most of it. One of the most respected Negroes in the history of this country, Booker T. Washington, was born a slave. He rose to overcome this and became head of Tuskeegee Institute for Negroes. His words spoken in 1890 are worth considering today. He said:

It is well to bear in mind that whatever other sins the South may be called upon to bear, when it comes to business, pure and simple, it is in the South that the Negro is given a man's chance in the commercial world, and in nothing is this exposition more eloquent than in emphasizing this chance. Our greatest danger is that in the great leap from slavery to freedom we may overlook the fact that the masses of us are to live by the productions of our hands, and fail to keeping in mind that we shall prosper in proportion as we learn to dignify and glorify common labor and put brains and skill into the common occupations of life, shall prosper in proportion as we learn to draw the line between the superficial and the substantial, the ornamental gewgaws of life and the useful. No race can prosper till it learns that there is as much dignity in tilling a field as in writing a poem. It is at the bottom of life we must begin, and not at the top, nor should we permit our grievances to overshadow our opportunities.

The wisest among my race understand that the agitation of questions of social equality is the extremist folly, and that progress in the enjoyment of all the privileges that will come to us must be the result of severe and constant struggle rather than of artificial forcing. No race that has anything to contribute to the markets of the world is long in any degree ostracized.

It is important and right that all privileges of the law be ours, but it is vastly more important that we be prepared for the exercise of these privileges. The opportunity to earn a dollar in a factory just now is infinitely more important than the opportunity to spend a dollar in an opera house.

The successful Negro, like the successful white man, finds that achievement and productivity are the only sure methods of advancement. Legalized favoritism such as encompassed in the legislation we find before us today offers a very poor substitute for genuine fulfillment. There are thousands of Negro success stories made by that class of Negroes who got so busy in the world of open competition, working and striving to better themselves, that they had no time for marches and demonstrations. As an example, I offer the story of F. B. Fuller, head of Fuller Products Co., a Chicago cosmetics manufacturer. Mr. Fuller is a native of my home State of Louisiana. Coming from an economically poor background, Fuller left Louisiana at the age of 15 with a sixth-grade education. Few would have given him much chance to succeed, but succeed he did. In an interview with U.S. News & World Report on August 19, 1963, Mr. Fuller indicates that he harbors few misconceptions about what is required to succeed. He says that the Negro must prove his point by performance. He cannot sue a man and make him live next door to him. He must train his children and see that his community is kept as clean as the white man's, while maintaining his home on a par. He further explains that the high incidence of crime in Negro communities like Harlem is caused by the Negroes there, and is not the fault of others. He claims that as a child his mother and dad kept him busy doing worthwhile things. As Fuller sees it, today people of all races and classes have far less initiative than they did then. He states that it is difficult to find a Negro boy in Harlem today who is even willing to sell newspapers.

I must agree with Fuller that the quality and character of a man cannot be legislated. These qualities must somehow come from within. When a Negro discovers this and finds out what initiative and self-help can produce for him, he will not be so anxious to integrate, but will prefer to pursue success through his own patterns. Fuller went into business with $25 worth of soap, which he peddled door-to-door in the colored community. He says there were others in there selling, including many whites, and, while as always there was competition, he saw no barrier because of his race.

Another article bearing on this problem was written by Eric Hoffer and deserves mention here. Hoffer, who struggled through the depression years working on odd jobs and on farms with members of both races, gives good reasons for his rejection of the motives of the Negro revolution. The Negro should have rights, says Hoffer, but no special privileges over the white man. He has not done the white man's work for him. Now a fairly successful writer, Hoffer seems to harbor a bitter contempt for the Negro agitators who to him seem to be saying, "Lift me up in your arms, I am an abandoned and abused child. Adopt me as your favorite son, feed me, clothe me, educate me, love and baby me. You must do it right away or I shall set your house on fire, or rot at your doorstep and poison the air you breathe."

Hoffer sees the Negro revolution as having no faith in the character and potentialities of the colored masses, no taste for real enemies, real battlegrounds, or desperate situations. It wants cheap victories the easy way. To Hoffer, what the Negro needs is pride—pride in his people, their achievements, and their leaders. He sees the black nationalist groups as nothing more than manifestations of the Negro's passion for alibis and the easy way out of a deplorable situation. Excerpts from Hoffer's article, "The Negro Is Prejudicial Against Himself," which appeared in the New York Times magazine of November 29, 1964, read as follows:

The plight of the Negro in America is that he is a Negro first and only secondly an individual. Only when the Negro community as a whole does something that will win for it the admiration of the world will the Negro individual be completely himself. Another way of putting it is that the Negro in America needs pride—in his people, their achievements, their leaders—before he can attain self-respect. At present, individual achievement cannot cure the Negro's soul. No matter how manifest his superiority as an individual, he cannot savor "the unbought grace of life."

The predicament of the Negro in America, then, is that what he needs most is something he cannot give himself; something, moreover, which neither governments nor legislatures nor courts but only the Negro community as a whole can give him.

Almost invariably, when a Negro makes his mark in what ever walk of life, his impulse is to escape the way of life, the mores and the atmosphere of the Negro people. He sees the Negro masses as a millstone hanging about his neck, pulling him down, and keeping him from rising to the heights of fortune and felicity. The well-off or educated Negro may use his fellow Negroes to enrich himself—in insurance, paper-publishing, cosmetics—or to advance his career in the professions or in politics, but he will not lift a finger to lighten the burden of his people. Who ever hears of a rich Negro endowing a Negro school, hospital or church?

With the present paucity of opportunities for fervent action, is is doubtful whether the Negro could repeat the performance of past immigrants and adjust himself to a new existence as an individual on his own. He cannot cross alone the desert of transition and enter an individual promised land. Like the liberated ancient Israelites, he needs a genuine mass movement to enfold him, cover his nakedness of identity, guide and sustain him until he can stand on his own feet.

The question remains: What can the American Negro do to heal his soul and clothe himself with a desirable identity? As we have seen, he cannot look for a genuine mass movement to lead him out of the frustration of the Negro ghettos; he will certainly not allow a non-Negro Moses to lead him to a promised land, and he cannot attain self-respect by an identification with Negroes and negritude outside America. What then, is left for him to do?

The only road left for the Negro is that of community-building—of creating vigorous Negro communities with organs of co-operation, self-improvement and self-defense. Whether he wills it or not, the Negro in America belongs to a distinct group, yet he is without the values and satisfactions which people usually obtain by joining a group.

When we become members of a group, we acquire a desirable identity, we derive faith and pride to bolster our confidence and self-esteem, and a sense of usefulness and worth by sharing in the efforts and the achievements of the group. Clearly, it is the Negro's chief task to convert this formless and purposeless group to which he is irrevocably bound into a genuine community capable of effort and achievement, and which can inspire its members with faith and hope.

Whereas the American mental climate is not favorable for the emergence of mass movements, it is ideal for the building of viable communities; the capacity for community-building is widely diffused. When we speak of the American as a skilled person, we have in mind not only his technical but also his political and social skills . . .

When I speak of vigorous Negro communities, I do not mean Negro ghettos . . . What I have in mind is Negro centers, societies, agencies, loan associations, athletic clubs, discussion clubs and the like. You can see such communal organs functioning among the Jewish, Japanese, Chinese and other minorities.

My feeling is that right now the Negro in San Francisco, and probably elsewhere, is ripe for some grand co-operative effort in which he could take pride. It could be the building of a model Negro suburb, or a Negro hospital, a Negro theater, a Negro school for music and the dance, and even a model Negro trade school.

You need dedicated men and women to mobilize and canalize abilities and money toward a cherished goal. It is being done in America every day by all sorts of people. Someone has to start these things—a single individual or a small group. In San Francisco the 2,000 affluent longshoremen could be such a group.

The healing of the Negro by community-building will be a slow process, and the end results, though a durable source of pride and solid satisfaction, will not be heavenly. There is not heaven on earth and no promised land waiting for the Negro around the corner. Only the rights and the burdens and the humdrum life of a run-of-the-mill American.

Thousands of American Negroes by acting inside rather than outside the law have made their way to success as a separate minority group without need of integration with the white man and without the need of special privileges or extra legal advantage. To quote from a discussion of this problem by Kent H. Steffgen:

(1) The more productive and industrious Negroes have made more gains in the United States than their race has ever done before in any other nation in history; (2) they have brought their potential up to this level in a system maintained along ethnically separate lines from coast to coast and border to border; (3) this class of Nergoes has neither asked for nor required integration or the help of government to make this accomplishment; (4) "civil rights," a cause fraudulently named on behalf of the Negroes, had to be overthrown and destroyed 100 years ago to make achievement by means of personal initiative even possible; and (5) with the reappearance of the Civil Rights Movement, after a century of continuous gains, colored progress is once again placed in jeopardy.

But there may still be an even bigger lesson to be learned. Productive Negroes advanced because they applied a principle which allowed them to rise. The majority of American Negroes—faced with the same challenges—have gone the other way: into the slums and onto the streets, onto welfare and into a cultural tug-of-war with the Caucasian system.

Another revealing example of the success which can come to a man, Negro or white, who diligently applies himself to the task of getting ahead, is the story of Cirilo McSween. McSween is a Panama-born Negro who came to this country to compete in track at the University of Illinois and became New York Life Insurance Co.'s first Negro agent after graduation. Working in Chicago, McSween wrote a million dollars' worth of life insurance the first year and has been doing it ever since. His story, along with those of 16 other Negro men who are insurance sale producers, is told in an article from the Negro magazine, Ebony, of May 1965. It is this kind of production which offers the real challenge to other Negroes looking for opportunity.

These examples of hard work and successful performance present a glaring contrast to the depraved "freedom now" philosophy expressed through demonstrations that have wracked the towns and cities of this country for so many years.

Unfortunately, this traditional concept of equality has been converted by some to a perverse "something-for-nothing" philosophy that has intoxicated the modern world and has spawned discord and chaos in many parts of our country. Men and women run starry-eyed through the streets destroying, pilfering, and in a thousand tongues screaming their demands for equality, for place, for recognition, for rights, for privileges.

Today's pleaders for so-called civil rights take their text from the words of the Declaration of Independence, "All men are created equal and are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness." But to this venerable proclamation they hasten to add the cry that it is the responsibility of the Government to make all men equal and to maintain equality amongst them.

Thus, when nature shouts, "Inequality," we, as a democratic people reply through our laws and institutions, "Equality." This equality, however, was never meant to be the equality of the leveler, the theoretician who would reduce mankind to a society of drones, as similar to each other as one brick to another. When we speak of equality in this country, we mean equality before the law which results in our more rational commitment to the concept as an "equality of opportunity."

A commitment to equality then does not mean a commitment to some uniform way of life based on the preposterous idea that men are equal in their possessions of the various talents and virtues. It means to us that each of us shall have equal opportunity to develop those talents and virtues that are his, and that there shall be equal rewards for equal talents. The result of such conception of equality is justice, and an unlocking of the energies necessary for social and economic progress.

Since the purpose of the proposed legislation is to bring to the Negro so-called equality, a few comments on the subject of equality are in order.

It should be obvious to anyone that Nature spreads her gifts unequally. Inequalities among men in virtually every trait or characteristic that one might mention are obvious and will probably be with us for all time. In thinking of equality in this sense, then, it is manifestly false to say that all men are equal. While inequality has no doubt been the root of much that is cruel and hateful in life, it is also the root of much that is admirable and interesting. These are plain facts; and in the face of these, we have set equality as our moral and political ideal. Justice demands equality before the law; all men should receive equal treatment in the public realm; each to count for one and no man to count for more than one—these formulas are at the core of the meaning of the democratic system.

That government has a role to play in the mighty moving drama of man's progress is not to be denied. We must all agree that it is the function of government to state the conditions of liberty, equality, and responsibility. But it is the will of the people that gives life to the law. Without this will, no such laws will work.

What about these inalienable rights, such as life, liberty, and the pursuit of happiness? In a sense life, liberty, and happiness can be said to be a gift of God. But simply being born will never be enough. Arriving in this world alive is only a beginning. In order to live in any real sense, one needs medical science, proper nutrition, adequate care, and a chance to become educated and equipped for adult responsibilities. As for liberty, it is not something that comes with birth. Liberty is man created, man achieved, and man maintained. God approves it, but man must win it.

What about happiness? Happiness is a byproduct of life rather than something granted to us by birth. We achieve happiness by effort. Many things go into the makeup of happiness—employment, purpose, personal development, the right to the use of opportunities and duties of life Life God will give us; but liberty and happiness he makes us achieve for ourselves

How then can some men have reached the conclusion that government can make men equal and keep them equal. No law will ever produce the feeling of equality for one another in the hearts of men. How can coerced fellowship ever become real fellowship?

Those who loudly clamor for equality must come to realize that true equality is always a push from below rather than a pull from above. These words of Dr. Walter R. Courtenay, minister of the First Presbyterian Church, Nashville, Tenn., contain some real truths concerning American democracy and serve well to illustrate the point we have been making:

1. Democracy was never created to be a leveler of men. It was created to be a lifter, a developer of men.

2. Democracy was created to let the gifted, the energetic, and the creative rise to the high heights of human achievement, and to let each man find his own level on the stairway of existence.

3. Democracy was created to help men meet responsibilities and shirk no duties. That is why our Nation has been concerned about the honest needs of its citizens. We lead the world in justice, even though justice does not always move with prompt alacrity. Our Nation has been noted for the size of its heart, and not merely for the size of its pocketbook.

4. Democracy demands that the Nation be governed by the capable, the honorable, the farseeing, the clear seeing, and not by mediocre men. In the beginning, it was so. May it be so again.

5. Democracy demands more from men than any other system in the realm of self-discipline, dependability, cooperativeness, industry, thrift, and honor. Democracy will not work when party politics are not guided by basic ethical principles. For a party to foster class consciousness, class conflict, misrepresentation, covetousness, violence, theft, and an open defiance of established law is to breed anarchy.

6. Democracy must give to all its people the following rights:

The right to equal learning.
The right to equal employment.
The right to equal treatment.
The right to equal justice.
The right to adequate housing.
The right to vote.

Thus, governments of themselves cannot make men equal or remake men into the beings that ought to be. This is a spiritual venture, not primarily an economic and political one.

THE THIRD ARGUMENT—TITLE IV WOULD BE ENFORCED IN AN UNREASONABLE AND OVERZEALOUS MANNER

Mr. President, my third objection to the so-called fair-housing section of this bill is that if it were enacted it is very likely that it would be enforced in an irrational and overzealous manner.

Title IV would provide for three means of enforcement: suits by private persons, suits by the Attorney General, and by orders issued by a Fair Housing Board. I have already touched upon the potential for abuse by the filing of spurious suits by private persons, and I intend to discuss this matter further in a few minutes. In the meantime I would like to call attention to potential and probable abuse by agents of the U.S. Government; namely, the abuse which would be forthcoming from the Attorney General and the Fair Housing Board.

The most compelling indication that abuse of the title's provisions would be forthcoming is the record of our Government's agents in administering the provisions of the various Civil Rights Acts which have already been enacted into law. Their administration has in many instances been characterized by unreasoning and callous disregard for the welfare of both white and colored persons, and actual prejudice toward southerners generally.

The Government's civil rights programs are not manned for the most part by moderates who can see the problems on both sides of the race issue, but by racial zealots who apparently will not be content until the Government forces a complete integration of the races.

Such an attitude has already been seen in the administration of title VI of the Civil Rights Act of 1964, which prohibits discrimination in any federally assisted programs. This is clearly evident in the school desegregation guidelines promulgated by the U.S. Office of Education in March of this year.

Not even a strained interpretation of the Constitution would require that public schools have so-called racial balance. It can only be said that the Constitution requires that there be no discrimination; it does not require that there be integration. If colored children do not wish to attend formerly all white schools—perhaps because they find the classes too difficult, or for a host of other reasons—the Constitution does not require that they be forced to attend them.

Nor does title VI of the 1964 act require racial balance. Such was the assurance of the bill's floor manager, Senator HUMPHREY, when the measure was before the Senate. Referring to a controlling Federal court case which was upheld by the Supreme Court, our Vice President told the Senate on June 4, 1964:

This case makes it quite clear that while the Constitution prohibits segregation, it does not require integration. The busing of children to achieve racial balance would be an act to effect the integration of schools. In fact, if the bill were to compel it, it would be a violation, because it would be handling the matter on the basis of race and we would be tranporting children because of race. The bill does not attempt to integrate the schools, but it does attempt to eliminate segregation in the school systems. The fact that there is a racial imbalance per se is not something which is unconstitutional.

It is therefore clear, Mr. President, that there is no authority in law to require racial balance in our public schools. Yet, let us look at some of the 1966 guidelines issued by the zealots in the Office of Education:

In districts with a sizable percentage of Negro or other minority group students, the Commissioner will, in general, be guided by the following criteria in scheduling free choice plans for review:

(1) If a significant percentage of the students, such as 8 percent or 9 percent, transferred from segregated schools for the 1965–66 school year, total transfers on the order of at least twice that percentage would normally be expected.

(2) If a smaller percentage of the students, such as 4 percent or 5 percent, transferred from segregated schools for the 1965–66 school year, a substantial increase in transfers would normally be expected, such as would bring the total to at least triple the percentage for the 1965–66 school year.

(3) If a lower percentage of students transferred for the 1965–66 school year, then the rate of increase in total transfers for the 1966–67 school year would normally be expected to be proportionately greater than under (2) above.

(4) If no students transferred from segregated schools under a free choice plan for the 1965–66 school year, then a very substantial start would normally be expected, to enable such a school system to catch up as quickly as possible with systems which started earlier.

Thus, it is clear to all those who can read that title VI has been misused by the Office of Education. These agents of our Government are playing the "numbers" game, and clearly such is not sanctioned by the law. Can we expect them to exercise more restraint when it comes to housing? I think not.

Now let us look at how title VI has been administered in the field of health care. A directive to all hospitals which intended to offer services to medicare patients, dated April 26, 1966, reads as follows:

All patients [shall be] assigned to all rooms, wards, floors, sections and buildings without regard to race, color, or national origin. In communities with non-white population, this results in bi-racial occupancy of multi-bed rooms and wards.

Thus we have a case where hospitals are told that they must place members of different races in the same rooms. What a cruel punishment to inflict upon the sick of our Nation—both Negro and white. One would think that at least the sick would be spared the mental agitation and emotional stress that often results from such room assignments.

What is particularly discouraging about such requirements is that they are made effective in the South only. Medicare for many of our people—both colored and white—is still a promise unfulfilled, because through no fault of their own there are no available hospitals certified to participate in the program. Yet hospitals in the North are not required to place members of different races in the same rooms. Investigators are sent only to the South.

I have heard that a similar directive may be made to nursing homes. I earnestly hope, however, that those ultimately responsible will require that reason reign over their underlings in the bureaucracy who advocate such a course. Surely, it must be obvious that such a practice in institutions with a senile population would be disastrous for both Negro and white inhabitants. But the danger of this practice being required is a real one.

I noted in last Friday's edition of the Washington Post, in an article written by the reputable columnists Rowland Evans and Robert Novak, an even more ominous development. There it is reported that top planners in the Department of Health, Education, and Welfare have planned a bill for 1967 which would supply extra Federal moneys to those school districts which achieve racial balance. These funds—the taxpayers' own money—would be withheld from the school districts which merely obey the law and do not discriminate, but who fail to conform to what the planners believe is socially necessary. It seems that these planners will not be content until there is a great leveling of our society, and the standards of schools, and all facets of life are reduced to the lowest common denominator.

Mr. President, I take particular exception to the provision of title IV which would authorize a Fair Housing Board to issue orders requiring whatever action it deems necessary to effect the policies of the act. I register my strenuous objection to this provision because it stands as an open invitation to abuse.

First, it can be assumed that the Board members will be persons who will feel strongly about the issue of open housing. Even though the bill provides that they would be able to act only upon the complaint of the Department of Housing and Urban Development, it is defective in that the Board will not possess the impartiality necessary to render just decisions. Such a function should be vested in the courts.

Second, the grant of powers to the Board to issue orders—even if it could be assumed that it should be empowered to issue orders—should be narrow and specific instead of broad and general. I can envision the Board, since it has an axe to

grind, requiring property owners to pay imagined damages, both real and punitive; requiring them to issue public apologies through the news media; and imposing other such requirements. Such an investment of arbitrary powers to an administrative agency is too much akin to "Big Brother" for me. If there must be an open-housing law—and I do not believe there should be—then its enforcement should be left to a court of law.

The argument that under the bill, if a property owner should refuse to obey the Board's order, the Board must seek the approval of a court of appeals, does not impress me. Even if the Board had to have the aproval of a district court, I would still feel that there is sufficient room for abuse. But the approval of a court of appeals—namely, our Fifth Circuit Court of Appeals—means nothing. It is common knowledge that this court has been the subject of well-founded criticism that it contains some of the greatest Negro partisans of the Nation.

Decisions of this court have bent every law and changed every procedure in an effort to satisfy the demands of the Negro movement, the damnation of legitimate rights of others.

In his dissent in *Armstrong* v. *Board of Education of the City of Birmingham, Alabama,* 323 F. 2d 333 (1963), the late Judge Ben Cameron of the Fifth Circuit Court of Appeals set forth a survey of the 29 civil rights cases decided by the court of appeals between June 23, 1961, and June 23, 1963. This survey discloses the manipulations carried on by Chief Judge Tuttle in withholding information from the other judges of the circuit; packing the three-judge pannels; packing the three-judge district courts; advancing the hearing dates of cases; and generally arrogating unto himself, for a purpose, the powers of the court.

Mr. President, it is indeed a sad day for Americans everywhere when the Federal court system can be manipulated in order for a minority to control the decisions of the court to insure rulings favorable to one group or the other, with no respect for legal precedent.

Judge Cameron discloses that the majority of the panel in 25 of the 29 cases was composed of some combination of "The Four." This group, the minority of the court, is made up of the chief judge and three judges who can be depended upon to go along with his ideas. These 4 judges wrote 26 of the 29 decisions, while only 2 were written by one of the other 5 members of the court; and these 2 were per curiam decisions. One full decision was written by a district judge.

Mr. President, these four men have imposed their will upon the majority of the court of appeals, caused numerous problems in the orderly administration of justice in the fifth circuit, and many times have used their appellate powers for judicial legislation.

If I have the time, in a little while I would like to read Judge Cameron's opinion for the enlightenment of the Senate. However, for the time being I would like to move to the fourth reason for opposing title IV.

THE FOURTH ARGUMENT: TITLE IV WOULD BE DETRIMENTAL TO PROPERTY OWNERS EVEN ON A PURELY PRACTICAL BASIS

A fourth reason for opposing the open housing section of the bill is that it would very likely result in the imposition of an unreasonable practical burden upon property owners—over and above the deprivation of basic property rights.

Prof. Sylvester Petro of the New York University School of Law, who testified before the Senate Subcommittee on Constitutional Rights, made some very interesting and appropriate comments on this aspect of the Senate bill. I should like to quote some of his remarks:

I turn now to the procedural aspects of this bill. I find the procedural aspects of title IV as questionable as its substantive policy, perhaps far more serious in the inroads it makes on the rights of homeowners.

It encourages unmeritorious and vexatious litigation despite the evidential problems which are likely to make a mockery of due process of law. Its provisions for remedies are likely to intimidate the decent citizen. The powers of intervention granted the Attorney General are vague and ill defined and smack more of the police state than of a society ruled by law.

Consider the matter of unmeritorious and intimidatory litigation. Section 406(b) authorizes the Federal courts, whenever they "deem just," to subsidize proceedings against homeowners who have allegedly refused to sell or rent on the basis of race, creed, or national origin. No such subsidy is made available to the defending homeowner. Thus a disappointed purchaser has everything to gain and nothing to lose by suing the homeowner. Under section 406(b) the would-be purchaser may commence a civil action "without the payment of fees, costs, or security . . ." This means he may secure even an ex parte restraining order, preventing the homeowner without notice or hearing from selling to another without forfeiting a bond or security. This is different from the situation which prevails in the case of any other kind of litigation whatsoever.

There is no need to dwell at length upon the evils of this provision. They are obvious. Every homeowner in the country is a potential victim when he puts his house up for sale, whether or not he has violated the law. The normal restraints upon vexatious litigation are gone . . .

As we shall see, it is likely that the burden of proof will come to rest swiftly upon the homeowner, rather than, as is traditional, at least in due-process countries, upon the complaining party. The difficulty of sustaining the burden of proof together with the subsidizing of the complainant add up to a massive instrument for the intimidation of homeowners.

Even without the subsidy provision, title IV, if enacted, is likely to produce a flood of litigation, and litigation of a peculiarly complicated character. With the subsidy, of course, there will be even more. I do not suggest that the litigation-breeding charge is ever a valid argument against an otherwise meritorious law, for I believe that if a proposal has merit, it should pass even though it increases the burden on the courts. The trouble with title IV, however, is that it is both bad in principle and likely to encourage great volumes of unmeritorious and purely vexatious litigation, when the Federal courts are already heavily burdened.

The probable result is that proceedings under title IV will work the most vicious kind of injustice. Complainants, that is to say, disappointed purchasers from a minority, will ask for restraining orders, pending a full trial, which is likely to be long and drawn out. Homeowners will thus lose their purchasers, while the complaining parties, on the other hand, will have nothing to lose, especially when even their attorneys' fees and security costs are covered by the taxpayers. The net effect is likely to create discrimination in favor of members of minority groups.

Indeed, that seems to be the object of all the procedural features of title IV. The compulsions and the denials of freedom which characterize the substantive features of title IV will probably be surpassed by the compulsions inherent in its procedural features.

I turn now to problems of proof and due-process implications.

Every time a belligerent member of an identifiable minority bids unsuccessfully on a home, or a rental, he is in a position to make life miserable for the hapless homeowner. Suppose a Jewish homeowner, with his house up for sale, receives equal bids from two persons, one a Jew, the other an Italian. If he sells to the Jew the disappointed Italian has the basis for a suit. The Italian may petition for a temporary restraining order, thus blocking the sale to the Jew, pending full trial. How long will the Jewish purchaser keep his offer open?

And what will happen at the trial? The law is vague, it forbids refusing to sell to any person because of race, color, religion, or national origin. How much proof is required? What kind? On whom will the burden of proof come ultimately to rest?

We have considerable experience with a similarly vague law. An analogous provision in the National Labor Relations Act prohibits discrimination by employers which tends to discourage union membership. The National Labor Relations Board considers itself as having a prima facie case of discrimination when a union man is discharged by an employer who has betrayed an antiunion sentiment. At that point the burden of proof shifts to the employer. He must show that there was some good cause for the discharge—a violation by the discharge of some strictly enforced rule, or a failure by him to meet objectively demonstrable standards. If he fails in this showing, the employer will be found guilty of unlawful discrimination.

The homeowner under title IV is in a much more difficult position than the employer under the National Labor Relations Act. How is the homeowner to prove—in the case I give—that he had some objectively demonstrable cause—other than race or religion—when the Italian made the same offer that the Jew made?

It is possible that the federal courts, unlike the National Labor Relations Board, will require objective evidence of discriminatory motivation before they hold homeowners guilty of title IV violations. But if the courts take that position, title IV will become a dead letter; ocular proof of discriminatory motivation is in the nature of things unavailable. Hence the probability, if title IV is to be viable, is that the courts will do what the Labor board has done; that is, rely upon presumptions and inferences. In that case title IV will become an even more pervasive instrument for the denial of due process than the Labor Act has been. The burden of proving lack of discriminatory motivation will fall upon the homeowner, and in 99 cases out of a hundred, he will be unable to carry that burden. He will not be able to prove, in the case I have cited, that there was a nondiscriminatory basis for his refusal to sell to the Italian.

All this to the fact that he will probably have been restrained by the court from conveying to the Jewish purchaser, pending trial, and it becomes evident that title IV puts the homeowner into an impossible position when he is confronted with purchasers from different minorities. No matter which he chooses to sell to, the other is in a position to make life miserable for him. An age-old instinct of the common law was to

conceive rules in the manner most likely to encourage and promote the alienability of realty and chattels. It would appear that the aim of title IV is, at least, in part, to frustrate realty transactions.

If the homeowner is confronted with offers from a Negro and a white Anglo-Saxon Protestant, he has no choice under title IV at all. Preferring the Anglo-Saxon Protestant, will, if the disappointed Negro is belligerent or fronting for a pressure group, produce an immediate restraining order, frustrating an immediate sale and probably inducing the purchaser to go elsewhere, for many important family matters hinging upon the timing of home purchases. Again, there will be a trial, probably prolonged, and how will the homeowner establish that his choice was not on the basis of race or religion? He has everything to lose and nothing to gain from fighting the case.

Title IV takes away his precious freedom, his right of private property, and makes a mockery of due process while doing so. "National necessity" is cited as the justification for this vicious betrayal of some of the best of the American tradition. But I am unable to understand how it can be nationally necessary to destroy what is good and strong in a nation. Title IV is an instrument useful only to beat the country's homeowners into a state of supine submission. Perhaps they will rebel against it, however, in which case there will be chaos.

Perhaps title IV will stimulate evasive hypocrisy on a universal scale, an even more repulsive possibility. But meek submission is what the bill seems to aim at, and I can think of nothing more foreboding than the realization of that aim. No great society was ever built by sheep or cattle.

Intimidatory remedies: There is an infinity of evil in title IV. Section 406(c) provides that "the court may grant such relief as it deems appropriate, including a permanent or temporary injunction, restraining order, or other order and may award damages to the plaintiff. . ."

The homeowner will have to be foolhardy indeed (if he) refuses to sell to the member of any minority group. . ."

Special note must be taken of the variety of court orders authorized by section 406(c): "permanent or temporary injunction, restraining order or other order." Obviously there is plenty of room in this catalog for the most extreme type of court order, the mandatory injunction. In short a homeowner may be ordered to convey his property to a person to whom he does not wish to sell it, or even, indeed, after deciding to withdraw it from the market. Consider this type of case, which occurs often enough: after getting only one offer for his home, and that from a Negro, the homeowner decides after all that he does not wish to sell; the Negro, or some supporting organization gets its wind up, creates a great deal of publicity, leading to what may be called humiliation for the would be purchaser, and then files suit, demanding a mandatory injunction and all kinds of damages allowed for in the bill, Moreover, the Negro convinces the court that he lacks means and thus acquires a subsidy for all court costs, fees, and other costs.

What is the position of the homeowner in such a case? He made no formal announcement that he was withdrawing his house from the market. Born and raised a freeman he felt no obligation to clear his change of mind with anyone. . . . But how will he prove that there was no discriminatory motivation in the face of the evidence—the prima facie case—against him? Should he fight the case? If he fights, the costs will be heavy, and his means in all probability slender. There is no provision in the law covering his costs, if he wins. Can one afford to fight such a case? Why fight, anyway? Why not just let the court take away the house and convey it to the person who wishes to purchase. It's only a house, after all, . . .

I said title IV would stimulate the growth of police state conditions. What I had in mind was sections 407 (a) and (b) which give the Attorney General a roving commission to institute or to intervene in title IV proceedings pretty much as he pleases. Section 407(a) permits him to institute suit whenever he (not the court) "has reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights granted to this title."

All the forms of relief available in private suits are made available in suits instituted by the Attorney General.

The Attorney General has even broader and more vaguely defined power to intervene in actions commenced by private parties. Under 407(b) he has the authority to intervene if he merely certifies that the action is of "general public importance."

The effect of these two sections is to authorize the Attorney General to police every real estate transaction in the United States. Obviously even the enormous tax revenues of the United States and its prodigious number of officeholders are not sufficient to permit the Attorney General to intervene in every transaction yet. He will have to pick and choose. The picking and choosing is likely to be dictated in title IV cases largely as it is in all similar instances of governmental intervention. Political, publicity, and psychological considerations will play an important part. Thus the full power of the Federal Government will be thrown against the homeowner who happens for one or another of these reasons to constitute a suitable target. The police state implications of this boundless grant of power are too obvious to require comment. Pity the poor homeowner who finds himself caught in the middle.

In conclusion, there is no doubt in my mind of the proper disposition of title IV of S. 3296. It should be rejected. I repeat: I take no position on the question whether racial amalgamation of residential neighborhoods is desirable; in a free country residents should make that decision each for themselves—not politicians or government agents, or courts. What I am convinced of is that compulsory amalgamation has no place in a free country. What I am convinced of further is that title IV is a measure devilishly and deviously contrived in each of its provisions to work a compulsory amalgamation. Title IV is advertised by its proponents as a "national necessity" designed to promote freedom and justice. In fact, it is a national disaster which destroys freedom while spreading injustice across the land. If title IV is passed, it will amount to a declaration of war by the Government of the United States against its sturdiest and most productive citizens, the homeowners of the United States. The consequences for the country cannot be anything but evil.

Mr. President, I feel that Mr. Petro's logic is unimpeachable. He has made it plain that this bill would impose a very serious and unwarranted burden upon those to whom its provisions would apply. The imposition of this burden is indeed a compelling argument for rejecting so-called fair housing.

NOT A SECTIONAL PREJUDICE

I think it is important to point out that opposition to open housing is far too widespread and concerted to be passed off as narrow sectional bias and prejudice. To southerners there is a certain relish—and no small comfort—in being joined in this fight by rank-and-file citizens and leading legal officers from such States as Wyoming and Utah. Quite understandably, most Americans incline to view problems from a personal, or parochial, perspective, and it is interesting to listen to the great cries of protestation coming from Northern and Western States, which will most quickly and constantly feel the impact of this legislation.

I also wish to discuss for the record the very eloquent statements of opposition advanced on a nearly uniform basis by various local and State real estate boards across the country. Some persons might be quick to discount or rationalize this opposition with the cry of "vested interest," but I hope to illustrate that along with the profit motive, there is a great concern for civil liberties shown by these boards.

The attorney general for my State of Louisiana, the Honorable Jack P. F. Gremillion, who is one of America's foremost legal minds, has consistently spoken for the people of Louisiana against various forced integration measures, and selected comments from his memorandum this year to the Senate Subcommittee on Constitutional Rights are worthy of mentioning here today.

Attorney General Gremillion, a former president of the National Association of Attorneys General, calls the open-housing proposal "an attempt by the fast-growing Federal arm to completely dominate every phase of life that is left yet to the people of the United States."

He continues:

It, of course, would be foolhardy to direct the Federal Government's attention to the long historical fact that private ownership and individual choice, even in the presence of any minority group, has long been an historical fact that the American people cherished. It takes no great historian to trace the history of this country to see that this country was formed by individuals who were oppressed by persecutions brought upon them in their native lands. It was to get this "freedom of choice" that the people came to what is later to be known as the United States to begin their life. They had freedom of movement and a freedom of choice.

When that freedom of choice became challenged, they participated in the American Revolution and won their freedom based on the theory that they had a right to participate in the government of certain issues. In essence, as we all know, the American Revolution was fought to protect the property rights of the American Colonist.

Then came the procedure of setting up the government whereby they would govern themselves.

It was evidently and historically the fact that the Articles of Confederation were drafted with the spirit of maintaining the sovereignty of the states. There is no doubt in anybody's mind that the Constitution of the United was drafted under the same provisions in mind, to wit, the sovereignty of the individual states.

To put it more bluntly, the present housing provisions in the new Civil Rights Act is merely a taking away from the individual citizens and the state their property right of freedom of choice. No longer will it be possible for an individual to personally and subjectively have in mind discrimination against anybody for whatever particular reason he might have. It is not too far in the distant future when the Federal Government will call a meeting for such a date and everybody must attend whether he wants to or not to discuss situations whether you agree or not and do those things, whether you

agree or not, that the Federal Government says if you don't do, it is "discrimination." This freedom of choice that you and I have as individuals no longer is a rule of this form of democracy.

This is the danger towards which the Congress of the United States is presently moving. There are no legal authorities which indicated that the position of the Federal Government insofar as passing such drafting legislation as discrimination or alleged discrimination in private housing because this is a country of "freedom of choice."

With the development, however, of the source of law referred to by the Congress and the Supreme Court it becomes a matter of social and economic standards.

In reading the provisions of the act in question with reference to the sale or rental of housing it appears to be devastating to the individual land owner. These arguments have been advanced, as this office knows, when the fair employment practice act was before the Congress but they will be advanced here because they are so important that they should be reiterated time and time again.

Our society was built upon the basis that individualism was the keynote to success. That is, each man strove to rise above that of being merely a member of society and tried to push ahead so that he himself would be the owner of various things. Having worked hard toward that goal, now the Federal Government say that he as an individual owner must abide by decisions by the Federal Government, whether he believes it or not, rather than the decision of his own mind.

Congress now say that it will be illegal, if this law is passed, to "sell, rent, or lease, refuse to negotiate for the sale, rental or lease of, or otherwise make unavailable or deny a dwelling to any person because of race, color, religion or national origin." Imagine if you will, someone attempting to rent my house. I would have to as precaution have an individual tell me his race, his religion and how much he can afford to pay, otherwise a refusal of one of the individuals might tend to make me liable under the statutory provisions of this bill for damages.

What of the civil right of individual discrimination as opposed to state action?

What of the civil right of an individual land owner to discriminate against anyone, for any reason?

Is the right to be able to lease or buy property from anyone a civil right?

For Congress to enact this legislation and by so doing to hold out such right or ownership as a civil right to be a violation of the principals handed down to us by our forefathers. Certainly, such a right, which is in essence the violation of one group's rights in order to accommodate another goes historically against the purposes and intentions of that noble band of men who drafted the United States Constitution and ensuing amendments thereto.

The attorney general of the State of Wyoming, the Honorable John F. Raper, regards title IV of this civil rights package as "an interference with the right of ownership and private enterprise, which is as offensive as discrimination in public matters."

And he adds:

I have never heard of any complaint having been made in the State of Wyoming that would justify such an imposition of regulations. There ought to be a need before there is a law. Furthermore, all these matters should be left to the regulation of the states, if and when any need therefore arises.

Taking another approach, the Honorable Phil L. Hansen, attorney general of the State of Utah, warns that title IV raises a "most serious constitutional question."

Attorney General Hansen says:

It would appear that the bill goes beyond what the Supreme Court indicated was permissible under the 14th Amendment to the Constitution of the United States at the time of the original civil rights cases were decided in 1883.

I am particularly pleased to apprise my colleagues of the very astute comments submitted by the Honorable T. W. Burton, attorney general of the State of North Carolina, the State represented by the able Senator from North Carolina [Mr. ERVIN], who is present in the Chamber. For Attorney General Burton, in his opposition to open housing, warns, as I have earlier today, that once the Negro accedes to the ownership of property, such legislation will work equally to his disadvantage.

What the members of this minority group and their white supporters do not realize, is that all of these proposals are like a two-edged sword—

He says:

This present minority and its organizations are now in power but there is no reason to believe that will forever continue in power, and when another group whose concepts are adverse to this present minority group shall have attained power, then all of these things will be turned against the present beneficiaries.

Those are not the words of a mad racist, Mr. President. They constitute the considered opinion of a perceptive legal and social mind. It is the comment of an official who has the keenness of insight to foresee the ramifications of such sugar-coated promises.

At the commercial level, legitimate protest against "fair-housing" legislation has been expressed by local and State real estate and homebuilder associations, as well as the respected National Association of Home Builders. As I have said, I believe this protest is borne not of greed or racial prejudice but of valid apprehension that the rights to transact business at one's discretion stands to be greatly abridged.

In a letter to the Senate Subcommittee on Constitutional Rights, the National Apartment Owners Association observed that "in the accelerated drive for civil rights, the property rights, guaranteed in the Constitution, are being ignored."

And it warned:

Surely, a law in the nature of the one now proposed will discourage investment in real estate. When an individual decided to invest in real property, he is choosing this investment in lieu of other possibilities, such as stocks or bonds. He has determined that this investment will reap a return, or fail, based on his own judgment. Adverse governmental pressures will undoubtedly discourage real estate investment. This discouragement would come when the need is the greatest for housing.

In his letter to the subcommittee, Mr. George Bower, president of the Wyoming Association of Realtors, also took a very dim view of such forced integration measures.

We believe that the cause of improved race relations can only be retarded, not enhanced by this measure, Mr. Bower wrote.

In every case where a similar law has been submitted to a referendum of the people it has overwhelmingly been rejected. . . .

We further feel that the moral end advanced by Title IV cannot justify the means through which it is sought to be obtained, and that it obliterates the distinction between public and private affairs.

If individual freedom is worthy of preservation, it behooves all Americans to mark well the distinction between public and private affairs, and to employ most sparingly the court of law to coerce human conduct in areas of private affairs.

The Connecticut Association of Real Estate Boards told the subcommittee that:

We believe that the individual who has acquired a piece of property often after many years of hard work and saving, has the right to decide for himself to whom he will sell it. We do not regard this as a property right; we regard it as a personal right.

We believe that the enforcement provisions of this Bill are one-sided and unjust. They seem to be drafted on the assumption that every complainant is right and every person complained against is wrong.

They provide for the appointment of an attorney for the plaintiff, at public expense and without setting out any criteria for such appointment.

They provide for a temporary injunction which may tie property up for many months, without any provision for either a prompt trial or a bond to protect the defendant in the event that the complaint is ultimately dismissed. They provide for damages for "humiliation and mental pain and suffering," without limit. They give to the prevailing plaintiff a "reasonable attorney's fee," but there is not provision for paying a reasonable attorney's fee to the defendant in the event that he prevails.

I wish to draw special attention to the views expressed by the National Association of Home Builders, the trade association of the American home building industry and sole spokesman for that industry since 1942. Today it represents more than 45,000 members, organized in 402 State and local associations throughout the United States, Puerto Rico, and the Virgin Islands This group includes many of the leading citizens of their respective States, and I am certain that great numbers of them are counted among the close friends of my colleagues.

In a statement to the Constitutional Rights Subcommittee, the association said, in part:

During the past decade we have consistently urged that discrimination in housing results primarily from deep-rooted and long-standing community prejudices, and as such, cannot be eliminated solely through legislation.

In 1959, the Association's Policy Statement pointed out: "Real progress toward this goal (elimination of discrimination in housing) . . . is obscured by the enormous problems arising from deep-seated emotional convictions which the home building industry did not create. . . ."

We recommend the continuation of existing programs, and the development of new programs, designed specifically to attack the underlying problem of an inadequate supply of housing available for low-income families which affects all Americans regardless of race. Such programs as the Rent Supplement Program, the Economic Opportunity Act of 1964, the Manpower Development and Training Act of 1962, and the Elementary and Secondary Education Act of 1965 simultaneously attack the evils of poor housing, poverty, unemployment and underemployment, and lack

of education. They provide the essential social and economic foundations without which civil rights laws with respect to housing can have little meaningful effect.

Mr. President, I hope to have the opportunity to speak on this subject again before the debate closes. For tne moment, I wish to summarize. As I stated at the beginning, for all the reasons I have stated, I believe the measure should be defeated.

The most essential feature of the bill, through which it has been identified to the public, the so-called open housing provision, is completely contrary to the intent of our Constitution. It is not the best way to advance the cause of the Negro in this Nation. The general proposition that we achieve rights for some by denying even more basic rights to others should be rejected by the Senate.

Mr. President, I yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I highly commend the Senator for his speech. I heard most of it, and was very much impressed with some of the points he made. The Senator is very thorough and completely correct, according to my analysis of the situation with which we are confronted.

Mr. LONG of Louisana. I thank the Senator.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BYRD of Virginia in the chair). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HART. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KENNEDY of New York in the chair). Without objection, it is so ordered.

Mr. HART. Mr. President, I think before we recess for tonight, it is appropriate for those of us who have proposed that the Senate be permitted to proceed to a debate on the House-passed civil rights bill to review the bidding.

Across the country, I know that people, in reading their newspapers, assume that what we are debating here is the House-passed civil rights bill of 1966. The truth is, of course, that the motion the senior Senator from Michigan made was that the Senate be permitted to take up that bill so we could debate it. That is what the discussion involves; we ask that the Senate have a chance to decide on the bill.

At the risk of repeating, in some respects, what was said on Tuesday last, I think it would be well to bring into focus again what it is that brings us to the situation we face today.

In April of this year, the President of the United States sent to Congress a message outlining the urgency, as he saw it, of legislation in the area of civil rights, and more particularly in some six enumerated areas of concern. On that same day last April, the Attorney General sent to both the Senate and House of Representatives a draft of a bill intended to achieve the objectives of the President's message.

That bill, in the Senate, was offered by 19 Senators from both sides of the aisle. It was referred to the Committee on the Judiciary, and there was assigned to the Subcommittee on Constitutional Rights. Early in June, the Subcommittee on Constutional Rights opened what proved to be 22 days of hearings on the bill. As its first witness, there appeared the Attorney General of the United States. He testified, as I read the record, for 4 days. He was questioned at length on many aspects of the legislation.

The additional witnesses who appeared before that subcommittee, as one will note from reading merely the index of witnesses in the record of the subcommittee hearings, represented the very broadest spectrum of interest in the area of civil rights. We find listed there Members of Congress who had direct concern with respect to the legislation, some testifying for and some against it. We had spokesmen from the construction and real estate industries. We had a number of concerned citizens. The catalog of the interests of those witnesses encompasses, I think, every aspect of the economies concerned with the proposed legislation.

Mr. President, the struggle to achieve equality of opportunity for all our citizens and to eliminate from our society arbitrary discrimination against any group of Americans is not the struggle of any single political party or private interest group. It is the task of all Americans who believe that a free society based on the principle of equality can really be made to work. This year, 100 years after the 39th Congress passed the first Civil Rights Act on April 9, 1866, it is fitting that Republicans and Democrats alike should join forces in passing the Civil Rights Act of 1966. We now ask the Senate to permit us to consider this bill.

When enacted, this bill will be the fifth item of major civil rights legislation to be put on the books by the Congress in the past 9 years. Beginning in 1957 and 1960, and culminating in the Voting Rights Act of 1965, the Congress has taken major steps to secure the right to vote without racial discrimination, and I am confident that the day is fast approaching when even the effects of past voting discrimination will have been eliminated entirely.

In 1964, significant steps were taken to eliminate segregation in public accommodations, public facilities, schools, employment, and federally assisted programs. As a result, today, as never before in our history, Negro Americans may enter a restaurant for a meal without fear of rejection, obtain decent lodging for the night, secure an appropriate job, if qualified, and use hospitals, parks and, in an ever-increasing number of districts, send their children to desegregated schools. Without in any way discounting the seriousness of the racial problems which still face us, I think we may take pride in what the Congress has done.

I must frankly concede that some of our citizens seem to think we have done enough. They ask, "Why more?" "Why another civil rights law?" The answer is clear. The disease of racial discrimination is not easily cured. It has infected practically every organ of the body politic. And while we have injected strong medicine into certain vital spots, the disease remains in others. We must turn our attention to these other organs if the patient is to fully recover.

Others ask, too, "Are not the recipients of our beneficence ungrateful? Do they not riot in the streets? Do not some of their leaders belittle our efforts? Is it worth the candle after all?"

The very way these questions—which we have all heard—are framed reflects the caste system of our society that we are trying to uproot. The suggestion seems to be that, because a few—and it is only a very small minority who have done these things—deprived Negroes have given in to violence to express their deep grievances, all Negroes should continue to be deprived their rights; that because an occasional Negro speaks irresponsibly, we should do nothing for any Negro. In short, it is the age-old non sequitur again—a few Negroes are wrong or irresponsible—ergo, all Negroes are unworthy. This, my colleagues, is just racism, pure and simple, although many who entertain these ideas, including some friends of mine, would be shocked to hear themselves so described.

There is another answer to these questions. We should not expect nor seek gratitude for what we do. Citizens who have been oppressed for two centuries do not view what they are beginning now to obtain for the first time as charity, for which they should be grateful; rather, they see the recent gains as only what is due them, and not enough at that. Indeed, the unrest among the Negro communities, the rising expectations and concomitant disillusion and disappointment many of these citizens feel, is in its way a tribute to the partial success of our past efforts—it is an historic fact that men seek serious change in the social order only when they begin to see daylight, not when they feel hopelessly downtrodden. Who among us, I ask, is prepared to tell a slum dweller that his hopes are too high—that he aspires to too much—that he must settle for his miserable lot? That point of view is not part of the American tradition as I understand it.

Finally, I am fully in agreement with another argument I hear frequently—that we ought not to pass laws because of riots in the streets. We ought to pass this law not because of riots but in spite of them, in spite of excesses—which of course are not limited to Negroes—in spite of inflammatory and unwise speeches. We ought to pass this law because it is just and because we believe in justice.

I turn now to the need for the particular provisions embodied in this bill.

Although more progress has been made in the past year in desegregating our public schools than in the 10 previous years combined, still only 6 percent of the Negro school children in the Southern and border States attended school with whites during the 1965–66 school year. Although our jury system is fundamental to our heritage, it is

nonetheless true that in some State courts there has been gross discrimination in the selection of juries, and that even Federal juries have sometimes failed to reflect adequately the communities from which they are drawn. In some places crimes of racial violence directed at the suppression of Federal rights have gone unpunished because of an inability or unwillingness of State courts to convict where the evidence seemed clearly to warrant conviction. And, perhaps most important of all, one of the basic necessities of life—adequate shelter—has too often been denied to many of our citizens solely because of the color of their skin.

It is the recognition of these problems and an awareness that the fight for equal opportunity must be fought on many fronts at once, that prompted the introduction of the Civil Rights Act of 1966.

We are each responsible for our views on the merits of this bill. But let no one argue the Senate is asked to take up the bill without full, adequate explanation of it. On Tuesday, there was reported in the RECORD the views of 10 members of the Judiciary Committee. No report is full; it contains a section-by-section analysis of the bill, and the bill, incorporating the amendments made to it by this Subcommittee on Constitutional Rights of the Judiciary Committee, together with the several amendments recommended by this majority of the Judiciary Committee and outline, title by title, of the need and constitutional basis for the bill. The Senator has at hand just as full information on this bill as on other pieces of legislation. This issue pending is, Will the Senate be permitted to take up the bill to debate it, and by majority vote, act. The issue is on overriding one for America. Surely the Senate should be permitted to act upon it.

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

Mr. HART. I am happy to yield to the Senator from Florida.

Mr. HOLLAND. All that mass of testimony was taken, was it not, on the so-called administration bill, which is not the bill the Senator is now moving to take up?

Mr. HART. The bill before the subcommittee at that time was the administration-sponsored bill, which, in some important respects, has been amended on passage by the House. The principal features, however, are included in the bill we are discussing as well as in the bill that was before the subcommittee at that time.

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

Mr. HART. I yield.

Mr. HOLLAND. Mr. President, if the motion is agreed to by the Senate, and the bill is taken up—which is not the bill upon which hearings were held by the Senate Subcommittee on Constitutional Rights of the Committee on the Judiciary—will there not still be in the wings, the original bill, which will be available to be picked up as a whole and offered as a substitute or picked up title by title and offered as amendments to the bill which the Senator seeks by his motion to bring up?

Mr. HART. The Senator is correct. That would include any amendments that any other Senator might care to offer. That is the situation that faces us with respect to any legislation that we take up; it confronts us in every case.

Mr. HOLLAND. Therefore, the question of taking up the measure is in itself a very important question, is it not, because every Senator has knowledge of the fact that the administration wants the much broader proposal which is embraced in the administration bill upon which hearings were held and which the able Attorney General justified so strongly as to constitutionality and wisdom? Every Senator knows that is the situation; is that not correct?

Mr. HART. I think every Senator has even broader knowledge. There was filed on Tuesday last by a majority of the members of the Senate Committee on the Judiciary a statement of their points of view. That statement includes all of the chronology of this legislation, an analysis title by title and section by section of the House-passed bill, amendments added by the Senate subcommittee, and several amendments which the 10 members of the Committee on the Judiciary indicate in their report they believe should be agreed to by the Senate.

It is my point that we find ourselves today as fully informed with respect to the legislation that it is proposed that we be permitted to take up by this motion, as we are with respect to any other bill that comes before us.

On page 21854 through page 21872 of the CONGRESSIONAL RECORD will be found the joint statement filed by the 10 members of the Committee on the Judiciary. That statement reflects fully the chronology and the nature of the administration-introduced bill, the nature of the bill as amended by the House in its hearings and as amended by the House on passage, as amended by the Senate subcommittee of the Committee on the Judiciary, and as proposed to be amended by us.

The Senators who take this position and recommend this action to the Senate are the Senator from Connecticut [Mr. DODD], the Senator from Missouri [Mr. LONG], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Indiana [Mr. BAYH], the Senator from North Dakota [Mr. BURDICK], the Senator from Maryland [Mr. TYDINGS], the Senator from Hawaii [Mr. FONG], the Senator from Pennsylvania [Mr. SCOTT], the Senator from New York [Mr. JAVITS], and the Senator from Michigan [Mr. HART].

Mr. HOLLAND. That list comprises 10 able Senators out of 100 Senators.

Mr. HART. It comprises a substantial majority of the Committee on the Judiciary which is making the report and to which committee the problem was referred.

Mr. HOLLAND. It does comprise only one-tenth of the membership of the Senate.

Mr. HART. The arithmetic of the Senator is correct. And it does comprise 10 of the 16 members of the Committee on the Judiciary. I think that is highly relevant arithmetic on the question as to whether we should take up the bill.

Mr. HOLLAND. Mr. President, the point that the senior Senator from Florida has difficulty in understanding is why the advocates of the bill we are discussing have not seen fit to debate the measure on the motion made by the Senator from Michigan.

It is so apparent that that motion presents a very difficult issue. Everyone knows that if this bill is taken up, with all of the differences which exist between it and the administration measure and all of the pressure behind the administration measure, including the 10 able Senators who have been named by the Senator from Michigan, numerous civil rights groups, and others—and some unknown sources as well—with all of those pressures available to stand behind any part of the original bill which may be offered either as a substitute or as an amendment, those who fear the bill that is now attempted to be motioned up and those who fear even more the administration measure think that there is a very great issue involved, which concerns the question of whether we should take up the bill.

Those who apparently advocate passage of the bill we are discussing have not seen fit to recognize this as a substantial issue. The senior Senator from Florida thinks it is a highly substantial issue and he does not understand—and he says this without criticism or reflection—why those who advocate and support the bill have not only not seen fit to argue for the bill on the floor of the Senate at any length or to even explain it in any detail, but also have not seen fit to supply us with a quorum so that those who want to argue against the bill would have that opportunity.

A cloture motion has now been filed without any Senator who is opposed to the measure—and there are many—having been heard except three.

It seems to the senior Senator from Florida that the Senator from Michigan and his associates whom he has named fail to see that the very motion made by the Senator from Michigan to take up this weaker bill is a very real issue that deserves to be debated.

We have not been able to understand why the advocates of the bill have not been willing to let their wisdom be heard on the floor of the Senate.

Mr. HART. Mr. President, in equally good grace, I say to the senior Senator from Florida that there are those of us who do not understand why there are those here who, whenever a bill involves civil rights, consistently, regularly, and fully within their rights, insist that we not be permitted to take up and debate the bill in the Senate. That is all that we now seek to do.

I know full well, as has been true in the past, that now that a bill is presented to us which does seek to respond to denials of human rights, which some of us believe have been documented in this country, there are those who insist for a variety of reasons, some of which the

Senator from Florida has very eloquently described, that we ought not to be permitted to work our will.

I say to the Senator from Florida that any time any piece of legislation comes before us and is up for debate, the possibility exists that a decision of the majority of the Senate will be displeasing and disturbing to us and that we may think it is unwise.

That does not justify our putting the Senate in a position in which it cannot act. We are merely trying to put the Senate in a position in which it can act.

Mr. KENNEDY of Massachusetts. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. KENNEDY of Massachusetts. Mr. President, I would like to associate myself with the remarks of the distinguished Senator from Michigan. Will the Senator from Michigan agree with me that the fundamental substance of the bill—which we seek to take up—is essentially and substantially the same measure that was considered by the Judiciary Subcommittee over the period of time to which the Senator has alluded?

Mr. HART. I would agree. As the Senator from Massachusetts knows well, two titles were added by the House, but the fundamental substance of the bill we seek to take up was reviewed in the subcommittee.

Subsequently in the Subcommittee on the Judiciary, the House-passed bill was substituted and, indeed, amended in many respects. So we have, indeed, responded to that version, to the House-passed bill.

Mr. KENNEDY of Massachusetts. In a number of areas, particularly title I and title II, the measure which came over from the House was strengthened. For example, title I, the clerks of U.S. courts around the country made a series of recommendations with respect to provisions of title I. Many of them were considered not only by the Senate Subcommittee on Constitutional Rights and the 10 members of the Committee on the Judiciary but also by the House, as well, and were incorporated in the bill.

Would not the Senator from Michigan agree with me that during the period of the hearings held by the Subcommittee on Constitutional Rights—the hearings held under the leadership of the chairman, the distinguished Senator from North Carolina [Mr. ERVIN]—the subcommittee fully explored all the sections of the administration bill? Those hearings covered in great detail every aspect of the administration bill—the underlying policy, and the question of constitutionality, and indeed virtually all the issues which would be before us if we were permitted to take up the House bill. Therefore, there was really a full hearing on this measure, in considerable detail, before the subcommittee.

It seems to me, as a member of that subcommittee, which acted on and voted to report the House bill to the full committee, that much consideration was given to it by the appropriate Members of the Senate.

I think we all agree that in any given instance we must place a degree of confidence in the members of the committees which have jurisdiction over particular matters. The Subcommittee on Constitutional Rights considered this bill and recommended it to the full Committee on the Judiciary. Ten members of the full Committee on the Judiciary, a decisive majority, have studied the bill, amended it in many respects, and reported at great length to the Senate on its provisions, and on the question of constitutionality.

The question which poses a considerable problem to me is why the entire membership of the Senate should not have an opportunity to hear the debate that would be conducted on the merits of the issue, if the bill were permitted to be taken up by the Senate.

It is said by some that we should not take up this bill because the Negro has discredited the cause of civil rights by the racial violence we have experienced this summer.

I reject this argument. I condemn this violence as strongly as anyone in this Chamber. But we, as legislators, cannot allow our legislative judgment to be determined by the misguided activities of a small number of Negro militants. We should not legislate out of resentment, or frustration, or anger. Nor should we permit our vision of a just and equal society to become obscured by the transitory turbulence of the moment.

This civil rights legislation is no less needed—is no less wise—because of this summer's violence. The need for jury reform, for fair housing and open occupancy, for Federal protection against crimes of racial violence are not ephemeral things—the need which exists for passage of this legislation will not disappear, it can only grow greater.

Our legislative responsibility is to look beyond the popular climate of the moment, to the long-range social needs of this Nation. There may be white backlash as a result of this summer's violence. It may be politically possible to be against further civil rights legislation.

But I think it would be extremely shortsighted to legislate on the basis of the sentiments of the moment. The drive for equal rights and equal justice for all our citizens must continue.

A majority of the Senate recognizes this fact, and should be permitted to work their will.

Mr. HART. Of course, the Senator from Michigan agrees fully with the point of view suggested by the Senator from Massachusetts.

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

Mr. HART. I yield.

Mr. HOLLAND. The Senator from Florida agrees with his friend the Senator from Massachusetts that we are all very anxious to hear the merits of this bill debated; and we have not been able to understand why the advocates of it have not been willing to favor us with an expression of their wisdom upon it.

We do not know whether they will stand upon this measure or whether they will try to substitute the administration bill as a whole, which is a much farther reaching bill. We do not know whether they will attempt to offer amendments substituting, let us say, title IV of the administration bill for title IV of the House bill. We do not have the point of view of their wisdom upon what they have heard during these 20 days of hearings.

The Senator from Florida, having served in the Senate for 20 years, knows that there have been many, many instances in which arguments upon the merits of a bill have been heard in extenso upon the motion to take up, and, speaking for himself, has not been able to understand why the distinguished Senators who profess to be advocates of this bill have not been willing to make the welkin ring with their support of this bill while this motion is being considered, when everybody knows that a very great issue is involved in the approval or the rejection of this motion.

Mr. HART. Mr. President, to refer again to the report that was filed by the 10 members of the Committee on the Judiciary, I think our position is pretty clear.

We say there, as we reported to the Senate a week ago, that we feel a certain restraint on each of our actions with respect to amendments; we say and I quote:

> The major objective we urge upon the Senate is the passage of the House-passed bill, H.R. 14765, with the minimum amendments we will introduce today and explain.

The report explains the amendment—none seeking to substitute a title, none far reaching. All seek, we believe, to make for clarity. They do not broaden appreciably any of the features of the House-passed bill. They have been printed and available to the Members since last Tuesday.

I say, Mr. President, whether this was a civil rights bill or a bill to legislate with respect to the consistency of mashed potatoes, the Senate has before it as full an explanation of what is intended and recommended as will be found in any piece of legislation that comes to the Senate in due course.

For one, I cannot agree with the Senator from Florida, that because it is a civil rights bill, we have to apply a new rule and that, nothwithstanding the very clear outline of the evolution of the bill, an analysis of it and the position of the majority of the committee with respect to it, we have to debate twice the merits of the bill. We say in this case, as in any other, permit the Senate to take this matter up and be in a position to act.

I know that the Senator from Florida does not agree this year, nor had he in any other year, with respect to permitting this in the case of a civil rights bill; and I suspect that in the years to come, if such legislation comes up, he will say again we ought to debate at length the merits of the bill before we are permitted to take it up. I think this is very much the cart before the horse, and is a very undesirable precedent.

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

Mr. HART. I yield.

Mr. HOLLAND. I think that the Senator has covered a little broader territory in ascribing that to the Senator from Florida than he had intended to cover.

The Senator from Florida, and the Senator from Louisiana [Mr. LONG], who is on the floor, and who feels very keenly the unwisdom of taking up this bill which the Senator from Michigan proposes to take up, offered and supported very ardently and argued before it came on finally for argument on its merits, the poll tax amendment, which was certainly a civil rights matter.

Finding the shoe on a different foot, the Senator from Florida still did exactly what he is wondering why the distinguished Senator from Michigan does not do in this instance. He argued the matter before it came up. Then, when the motion was made to take up an innocent-sounding little bill on the calendar—something about, as I remember it, a memorial to—not Madison——

Mr. JAVITS. Hamilton.

Mr. HOLLAND. No, the patron saint of the Republican Party.

Mr. HART. Lincoln? Hamilton?

Mr. HOLLAND. Hamilton. At the time that motion was made——

Mr. HART. I wish the first patron saint I mentioned, President Lincoln, would be listened to on this issue.

Mr. HOLLAND. At the time, the matter was being argued for and very strenuously argued against, and some Senators who are now supporting the taking up and passage of this bill stood with the Senator from Florida at that time, and at each stage argued the matter.

The Senator from Florida sees no very great difference. He cannot understand why in that instance it was appropriate for those who favored civil rights to argue the wisdom of their proposal at each stage at which they had an opportunity; whereas now, so far as the Senator from Florida has heard—and he has been on the floor much of the time during the little figment of a debate that has taken place up until today—he has not heard any argument at all in support of the bill, in explanation of the bill.

I must say to my distinguished friend the Senator from Michigan that there is no more explanation in this matter than there is in the case of any bill prior to the time debate on it commences on the floor. The Senator has less than usual, because he has no report from the Committee on the Judiciary. The Senator has a report from the subcommittee to the full committee.

Generally, the Senate has a report of the full committee. Generally, the Senate has other items which are not now available before it.

Yet, for some strange reason, in a way that is very difficult to account for, because it is an unusual element among Senators, the advocates of this bill have been tonguetied and have not said anything in behalf of it. Whether they have no strong conviction in support of it, whether they are hoping secretly that cloture will not prevail, or just exactly what is their motive, I do not know. But we have been saddened that we have not been able to hear strong and ardent and vigorous debate in support of this bill, such as occurred in the case of the poll tax amendment and at other times on civil rights matters. But at this time there seems to be an abysmal silence, and it seems so unusual in the Senate, that the Senator from Florida cannot help but comment on it. He has never seen the time, when a civil rights bill came up and a motion was made to take it up and there was argument against the bill itself, that the advocates of the bill have not been willing to express their convictions and to give their reasons for the consideration of the full bill at the time of the debate of the motion. This is the first time in 20 years of the Senator's experience in the Senate that he has seen such a situation, and it calls for some explanation.

One of the explanations I hear in the corridors is that the advocates of the bill are not as strong in advocacy as they have been sometimes in the past, not as hopeful for cloture as they have been sometimes in the past, and not blind to what is happening in the country, from Boston to Los Angeles and from San Francisco to Jacksonville, in the way of riots and demonstrations and murders and arson and all kinds of civil disorder.

Perhaps they have doubts in their minds as to the wisdom of this. Perhaps I am stating a hope. Perhaps they have a hope in their minds that something may happen; that lightning may strike and we will not get a chance to pass on the merits of the bill. But I do not believe that I can state their reasons, or try to put words in the mouths of the advocates of this legislation, if they are advocates of the bill.

Mr. HART. The Senator from Florida will hear from the proponents of the bill, when we are permitted to have this bill before us, the reasons which persuade them to think at this moment in history it is precisely what this Nation should do.

But one thing I hope we who advocate action on the bill shall not contribute to is an extended discussion intended to delay the Senate in taking up the bill. I am sure any contribution we make to that effort would be welcomed by those who want no bill.

But the 10 members of the Judiciary Committee, a majority of the standing committee, have advised the Senate fully with respect to the bill and our intentions in as full a fashion as will be found in any report that has been filed with this body over the years.

If what the Senator from Florida was, in his gracious way, seeking to avoid saying with a harshness that would be offensive, let me state it in the harsh terms, as something I have heard. The argument is made that in the last several years we have passed five civil rights bills, and the beneficiaries are unappreciative. Parenthetically, of course, all we are seeking to do is deliver on promises we had made them or their forebears years ago, and we are still talking about delivering. The argument is that they are unappreciative; and do not they riot in the streets? Why legislate under the compulsion of riots?

Now, this is not the question in the form that the Senator from Florida [Mr. HOLLAND] addressed to me. But I wish to say something about the persons who have and do ask that question. The way that is framed reflects a caste system that we should be trying to get rid of.

The suggestion seems to be that because a few have done these things—let us face it, a very few Negroes have given in to violence to express their deep grievances—therefore, all Negroes should continue to be deprived of their rights; that because the occasional Negro speaks irresponsibly we should do nothing for any Negro. It is the old nonsequitur: a few Negroes are wrong, a few Negroes are irresponsible; ergo, all are bad or unworthy.

In my book that is as pure an example of racism as one can find. I buy the argument that we should not pass this legislation because people are rioting. But I insist we should pass it in spite of the rioting and not because of the rioting. We should pass it because it is just and right. The long-term verdict of history will be favorable if we do pass it, and it is apt to be very harsh with us, if we do not. It is not just the clock of history that runs today; it is the calendar. It is 5:15 in September in an election year. This gets back to the delay sought to be imposed in taking up the bill. If I wanted no part of civil rights legislation, I would be busy around here, contending against the Senate taking up the bill. I do not share that point of view.

I believe that should the majority here desire that we be permitted to take up the House bill that is now the subject of the motion to take up, that we should be permitted to work on it; to decide what a majority feels is right, what a majority feels is necessary, and what a majority feel is fair.

To repeat again, the majority of the members of the Committee on the Judiciary made very clear what our judgment is and we have explained in great detail what we proposed to do once the bill is permitted to be before us.

That is all I wish to say. I am not going to engage in any tactic which will delay further decision of the Senate whether we are going to be permitted to take up the bill. Once the bill is before us and we are permitted to work on the bill—once that moment arrives, those of us who believe with deep conviction that this bill makes good sense will explain fully why we feel this way and describe why we feel there is no question about the constitutionalism in respect to any title, all of which we have already done a week ago in filing the report. We will go through it again. But let us please not confuse the country this night. Let us make clear to the country that those of us who support the motion to take up the bill are asking simply that the Senate be permitted to decide if we are going to act. Let us be permitted to explain again what is going on here so the country will understand. The motion is to permit the Senate to debate the House-passed bill; to permit a majority of the Senate to act on this bill. We are asking that we be allowed to take it up. Each of us then can vote yes or no, for this or for that feature of the bill, but let us not duck the issue itself.

ADDITIONAL SIGNEE OF CLOTURE MOTION

Mr. President, I ask unanimous consent that the junior Senator from Ohio

[Mr. YOUNG] and the distinguished occupant of the chair, the Senator from New York [Mr. KENNEDY] be permitted to sign the cloture motion.

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

Mr. JAVITS. Mr. President, I rise first, to join the Senator from Michigan [Mr. HART] in the statement he has made. I must say that I admire the wit and mettle of my friend from Florida. It will be a sorry day when one side takes the words of advice from the other side as to how it shall run its business. Whatever may have been the Senator's laudable role in respect to the amendments, to which he refers, and I approve of them, I thought we could do it by legislation.

In substantiation of what the Senator from Michigan [Mr. HART] has said, I believe there is one point that has not been mentioned. This is a House-passed bill. It was before the House for days. The House worked its will. These are coequal bodies of Congress. It is almost unthinkable that we would permit a bill passed by the other body to die on the calendar without bringing it up.

I can readily understand that the ordinary citizen cannot understand why we should be hassling in the Senate as to whether we should even consider the hotly contested bill which has been passed in the House. I doubt that we would see the House do that to us. Screams of outrage would go up if the House refused to consider a bill on which we had spent 2 months, which would be equivalent time in the Senate. It seems to me that that is the fundamental point which faces us here. It is a matter of dignity and comity of the two Houses of Congress.

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

Mr. JAVITS. I yield.

Mr. HOLLAND. Was there not something of that nature in connection with the action of the Senate, or lack of action, on the House-passed bill to repeal section 14(b) of the Taft-Hartley Act earlier this session?

Mr. JAVITS. There was, and I think that was absolutely wrong.

Mr. HOLLAND. And it was debated very fully on the motion to take up.

Mr. JAVITS. I think it was wrong to filibuster against section 14(b) debate. I do not see that that is any reason why I should condone this. I did not agree with that action.

Mr. HOLLAND. The debate was also on the motion to take up.

Mr. JAVITS. I do not believe the Senator has any dearth of information. I should like to see the Senator submit himself to a question-and-answer test. He would pass with 99 percent. I think that he knows as well as I, if not better, everything that is in the bill.

In addition, I think that the proponents of the bill, the Senator from Michigan [Mr. HART] and his nine colleagues have made their position clear because for all practical purposes we are committed to a House bill which is less than the administration bill because we thought we could rally maximum support.

I must say——

Mr. HOLLAND. Mr. President, will the Senator from New York yield?

Mr. JAVITS. Yes, if I may just finish. I must say, too, that I resent seriously, in the name of the country—not for myself, because I am devoted to the Senator from Florida and am a great admirer of his—the innuendo that we are unmindful of the burnings, the bombings, and the violence which have taken place. I might say, in terms of the justice of this cause: Look who is talking in terms of cause, when for years and years and years there was intimidation, suppression, violence, and assassination, as well as burnings and the denial of elementary justice in large sections of our country. I am sure that the Senator from Florida would never condone that, but when we weigh these things on balance we might insist, before we get so strong and so indignant about the amount of violence which is going on now, that it does not hold a candle, it does not begin to rate with what has been going on for 100 years in this terrible situation.

Let me tell all Senators that I think, and think very deeply, that we will be taking a chance on more violence than we have had before—"you ain't seen nothing yet"—if we deny justice where justice is due.

I say, do not be intimidated by violence, but do not be blind to it. There are not enough policemen or soldiers to enforce the law in this or any other country. We must apportion the law to justice which the people demand. They have a right to demand it. Very much of this is orderly, and deeply felt. Those of us advocating this measure would be derelict in our duty if we did not think to be responsive and to emphasize justice.

Only 5 percent of children in Southern States are in desegregated southern schools. Punishment for murdering a civil rights worker under a Federal law is 1 year in jail and, I think, a $5,000 fine, if convicted, under the statute as construed in the so-called Screws case. Before we wax wrath about the situation, let us look at the facts, let us look at the comparison between what has been going on and what is going on now.

Mr. MORSE. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. MORSE. I want to associate myself with the position of the Senator from New York. I shared his views in regard to the filibuster on taking up repeal of section 14(b). I am willing to let the record speak for itself. I think that a good many speeches were made on the issue as to whether we should take up the 14(b) issue, and I think the RECORD will show that few major speeches were made in support of repeal of 14(b). I think the most lengthy and detailed one—which is nothing new—was made by me on that occasion. I happened to feel that the people of this country were entitled to have the Senate come to a vote on the merits of that particular issue. I think also that the Senate should do so on this issue. Certainly, there should be fair deliberation on the merits of the issue but I think we have to get the filibuster out of the way first, although tomorrow I intend to make a major speech in support of the bill and explain why I think the House bill is unsatisfactory because it does not go far enough. But, I share the views just expressed by the Senator from New York.

Let us face it. We had better see to it that we stop denying first-class citizenship rights to people because of the color of their skins. If we are going to follow the course of action of discriminating against Negroes as to whether they can own a home, or where they can live, and seek to confine them more and more to the ghettos of this country, we are in for troublous times.

I yield to no one in the Senate in my insistence on the enforcement of law and order; but, just because we stand for law and order, we must not lose sight of the fact that if we continue to deny one-tenth of the population of this country, because their skins are black, their full, first-class citizenship rights, we are in for trouble. I think that the distinguished Senator from New York is quite right at this stage of the debate to warn the American people that they had better take a look at the inevitable. Certainly, we must not continue to move in the direction of the "apartheid" policy of the Union of South Africa; but there are forces in this country that would have us adopt that kind of totalitarianism, and under a democratic label. In my judgment, if we do not stop that trend and do not recognize that all Americans, irrespective of the color of their skins, are entitled to exactly the same rights, both human and property rights, we are heading for great trouble in this Republic.

Mr. JAVITS. I am grateful to my colleague for his comments.

Mr. HOLLAND. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. HOLLAND. I thank the Senator. I appreciate his courteous remark a few moments ago that he thought I was well informed about the contents of the two quite different so-called civil rights bills.

I do know something about both of them. What I know about them has not led me to the conclusion, apparently reached by the Senator from New York and the Senator from Oregon, that they are good bills to support. Quite the contrary. To me, it is difficult to see any good reason why they should be enacted. I cannot understand why those who support the two bills have not been willing to state their reasons upon the floor of the Senate, and have not done so—so that the people of this Nation can know those reasons—during the past week.

I want to say that I am grateful to hear that my good friend the Senator from Oregon proposes to make a full-dress speech tomorrow on the merits of the proposal. I gather from what he has said that he prefers the administration's bill to the House bill.

Mr. MORSE. The Senator from Florida is correct; I am for the administration's bill, and not the House bill.

Mr. HOLLAND. That justifies the argument I made a few minutes ago. We can well expect, if this bill is ever taken up, that there will be ardent advocates. I certainly appreciate the fact that when the Senator from Oregon is

convinced of the rightness of a particular cause, he is ardently in favor of it.

We are going to be asked that the administration's bill be substituted for the House bill. There are others who are going to ask, if the bill comes up on its merits, for the adoption of amendments out of the administration's bill, title by title, or at least for some titles, to make the bill a stronger one. This justifies my feeling that a very great issue is involved in this motion to take up, and I cannot understand why Senators who have argued at length on the motion to take up repeal of section 14(b) feel that there is any reason why they cannot make good arguments at this time, for the information of Senators and for the information of the public, as to what good they see within the pages of either of these bills, or both.

This is the first time that any such strategy has ever been used on the Senate floor in such a matter in 20 years. There may have been times before that when it was done, but I think that those who oppose this bill, and who are willing to state why they oppose it, are entitled to have the benefit of the arguments stated on the floor, face to face, publicly reported, with those who feel that the bills are good and should be approved and passed.

I repeat again my very great disappointment that such a policy has not prevailed at this time, the first time in 20 years to my knowledge.

I appreciate again the willingness of the Senator from Oregon [Mr. MORSE], in spite of his well-known opposition to filibustering, to speak tomorrow in support of the merits of one of the two so-called civil rights bills which he prefers—and I understand it is the administration's bill.

I thank the Senator for yielding. He has been extremely courteous.

I do not see why a policy that has been good and has been followed in other debates, and one earlier this year on the proposed repeal of section 14(b) of the Taft-Hartley Act, should not be followed again.

It has caused to arise, in my mind at least, this question. I am not looking down at the Senator from Oregon [Mr. MORSE], because he has always been willing to stand and be counted on how he feels. But I have noticed an apparent indisposition on the part of others to speak on the floor of the Senate as to why they think these bills are good and why they should be passed.

Mr. JAVITS. If I did not know the sincerity of the Senator from Florida, I would think he was kidding. Obviously, we are not going to extend the debate and help the filibuster. As far as knowing what the bill is about, anybody can read the RECORD and see in a half hour what it is about, and they will know as much then as we could let them know in 15 hours of debate. So I do not think we are going to be taken in by that argument.

In addition, the overwhelming majority of motions to take up are handled either by consent or are debated for very brief periods of time. The only time we run into this situation is when the dug-in opponents say, "We may as well have two cracks at it." They will have a "crack" at a cloture attempt. So they filibuster the motion to take up. They get licked on that and then they filibuster the bill itself, with the idea of stringing it out as long as possible, so that everybody gets tired of it, and wants to leave and get home and campaign. We may as well face the facts. I do not feel abashed or inhibited by the argument made.

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

Mr. JAVITS. I will yield shortly.

First, I would like to state why I think the bill should be passed. I am deeply concerned, and I think all of us here should be deeply concerned, with the violence which has taken place, we have seen it even in Atlanta, where there has been such progress and a very enlightened policy was managed by the mayor previously in office and by the present mayor who succeeded him.

I think the Senate has an overwhelming responsibility in respect to questions of violence which are going on in the country based upon tremendous unemployment rates in Negro areas, as well as in other types of frustration. There are Negro areas where the unemployment rate for youth is at least four times what it is for the white community. I know of areas where unemployment for Negro adults runs close to 40 percent.

Under those circumstances it is almost inconceivable, that there will not be a situation which just cannot be held down by the most drastic means.

We have simply got to understand that we are trying to make up in 10 or 12 years, since 1954, what has been going on as a result of the heritage of a century. It is not easy, and we incur a grave danger of far more violence than we have already seen, by refusing, almost arbitrarily, to consider a measure when the other body, a coequal body with this one, has acted, after much hard labor, and to at least facilitate this measure, which according to general consensus, is required to alleviate the situation.

I think we are under a grave responsibility. I would not feel content in my own conscience if I did not fight with every fiber of my being to bring about at least a consideration and a vote on this measure at this session of Congress.

I feel it is in the interest of the country that we do what we can to take continuous steps forward in the legislative field as we are expected to go forward in the private field along these lines.

I think the bill as it comes out of the House is overly modest. From the civil rights point of view, it is far less than half a loaf, instead of a whole loaf. It is endeavoring to give legislative relief to millions who are in bitter oppression, who are rightfully aggrieved, but who are not rightful in their violence.

Mr. President, it is the responsibility of Government to answer grievances and to legislate, and legislate as reasonable men. The idea that we are to be held back by the white backlash or as a result of resentment or because of the feeling that violence has engendered, does not belong here. This is no way for us to act. We should be leaders, not followers. If there is a white backlash, we should not step down from our leadership. We should not fail to act because of emotionalism. The people picked us for office. We are in office for a certain number of years, and we cannot be withdrawn during that time. That is why the Founding Fathers made it so.

Mr. President, without laboring the issue unduly, I believe we should act, that we must act, that there is every reason to act, in the interest of the Nation and public order, and pass this measure. I know that it will not be done, apparently, without cloture.

So I shall close with what should be the central theme of what I have to say, because, after all, in a matter like this, we have to talk primarily to our own side of the case, emphasizing the importance of the cloture vote.

It will be the first cloture vote. There may be another. Nonetheless, if there is to be any hope for this measure, it must command at least a majority—and a substantial majority—on Wednesday, and, hopefully, carry entirely, as it richly deserves to be carried.

I should like to make a plea especially to Senators who have reservations about the bill—to those "middle" Senators who are not all for the bill or all against it, but who have reservations; who may wish to strike out a title or to make a change. It is to them that one has to appeal in the interests of having them consider the measure, and not to abort it completely, because that clearly would be a shock to the country, would add to the mounting difficulties, and would represent a failure in leadership. It would create the impression that we will refrain from legislating because we are angry, that we are resentful at what is going on in the country in terms of such manifestations of violence as we are facing. Rather, we should have the sense to answer the grievances by dealing with them in the bill, and also have a sense of proportion, considering the relatively small amount of violence that is now occurring compared with the heritage of a century of oppression.

TRIBUTE TO MSGR. FREDERICK G. HOCHWALT

Mr. MORSE. Mr. President, I was saddened to learn on September 5 of the death of the Right Reverend Monsignor Frederick G. Hochwalt, formerly director of the department of education of the National Catholic Welfare Conference and who at the time of his demise was serving as executive secretary of the National Catholic Educational Association.

Monsignor Hochwalt appeared frequently before my Subcommittee on Education in presenting the testimony of his organization upon our bills over the years. He was an able and articulate advocate of a point of view which I respected. During the first year of President Kennedy's administration, through Monsignor Hochwalt's cooperation, we were able to work out a provision, for the first time in Federal aid-to-education legislation, and do it within the framework of the first amendment of the Constitution, for some aid to private

schools. Mr. President, that first proposal that Monsignor Hochwalt and I agreed upon and sought to incorporate in legislation at that time was subsequently amplified; and we, as far as Federal aid to education is concerned, I think, went a remarkably long way in ironing out one of the most serious controversies that had developed within this country. I wish to express again, as I did at that time when he was living, my great appreciation for the cooperation which the monsignor extended to me in seeking to take that bill through the Senate.

In person he was a kind and gentle man, and above all he was a reasonable and patient man.

Although he wore his academic distinctions lightly, he was a deeply learned man. Those who have worked with him will miss the inspiration that he brought to their meetings.

Mr. President, in concluding this tribute to his memory, I think it appropriate to say in the words of First Samuel, chapter 2, verse 35, which reads:

And I will raise me up a faithful priest, that shall do according to that which is in my heart and in my mind; and he shall walk before mine annointed forever.

If those words apply to any man they apply to Frederick Hochwalt. I knew that he would cherish no greater tribute than the simple words of Hebrews, chapter 5, verse 6, which should be engraved upon his monument. They are:

Thou art a priest forever after the order of Melchisedec.

Mr. President, I ask unanimous consent that a biography of the late Monsignor Hochwalt which was prepared by the National Catholic Educational Association be printed in the RECORD at this point.

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

BIOGRAPHY

The Right Reverend Monsignor Frederick G. Hochwalt was born in Dayton, Ohio, in 1909. He obtained his elementary education at Holy Trinity Parochial School in that city, after which he attended the University of Dayton Preparatory School and the University of Dayton, where he received his A.B. degree in 1931.

He studied philosophy at St. Gregory's Seminary in Cincinnati and theology at Mt. St. Mary of the West Seminary, Norwood, Ohio. He was ordained in 1935.

Monsignor Hochwalt received his master's and doctor's degrees from the Catholic University of America, Washington, D.C., where he majored in educational administration. From 1940 to 1944 he served as chaplain of the Newman Club at the University of Cincinnati, professor at the Teachers College Athenaeum of Ohio, and director of the Catholic Youth Organization of the Archdiocese of Cincinnati.

In June 1944, Monsignor Hochwalt was appointed Director of the Department of Education at the National Catholic Welfare Conference. Also in June 1944 he was named Executive Secretary of the National Catholic Educational Association. In October 1944 he was appointed a Papal Chamberlain with the title of Very Reverend Monsignor by His Holiness, Pope Pius XII. From December 1944 to 1951 Monsignor Hochwalt served as Director of the Commission on American Citizenship of the Catholic University of America. In November 1947 he was appointed a Domestic Prelate with the title of Right Reverend Monsignor by His Holiness, Pope Pius XII.

Monsignor Hochwalt has received the following honorary degrees: LL.D., Mount Mary College, Milwaukee, Wisconsin, 1947; LL.D., St. Mary's College, San Francisco, California, 1948; LL.D., Dayton University, Dayton, Ohio, 1948; LL.D., Villanova College, Villanova, Pennsylvania, 1948; LL.D., College of St. Thomas, St. Paul Minnesota, 1951; Ed. D., Merrimack College, Andover, Massachusetts, 1952; LL.D., Manhattan College, New York, 1954; LL.D., Saint Michael's College, Vermont, 1955; LL.D., St. Louis University, St. Louis, Missouri, 1957; LL.D., St. Norbert College, West De Pere, Wisconsin, 1960; LL.D., Providence College, Providence, Rhode Island, 1960; LL.D., Marquette University, Milwaukee, Wisconsin, 1963.

On December 9, 1954, Monsignor Hockwalt was awarded the St. Francis Xavier Gold Medal by Xavier University, Cincinnati, Ohio. He also received the Pere Marquette Award from Marquette University, Milwaukee, on April 16, 1956.

Among the committees on which Monsignor Hochwalt has served are the following: Committee on Religion and Education of the American Council on Education; the U.S. Educational Mission to Japan, 1946 and 1950; Advisor to U.S. Delegation to UNESCO meetings in Paris, Mexico City, and Florence. He is a member of the Commission on Federal Relations of the American Council on Education; Education Committee of the Catholic Association for International Peace; the Catholic Commission on Intellectual and Cultural Affairs; the Board of Directors of the American National Council for Health Education of the Public; Committee on School Services of the Boy Scouts of America; Advisory Council of the University of Pittsburgh Project Talent Office; Advisory Board of Center for Applied Research; Washington Advisory Committee of the Institute of International Education; Editorial Board of the Catholic Encyclopedia; Standing Committee on Tests and Measurements of the Educational Testing Service.

Monsignor Hochwalt retired January 1, 1966, as Director of the Department of Education, National Catholic Welfare conference. He continued as Executive Secretary of the National Catholic Educational Association.

RECESS UNTIL 11 A.M. TOMORROW

Mr. HART. Mr. President, if there is no further business to come before the Senate, I move, in accordance with the order heretofore entered, that the Senate recess until 11 a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 43 minutes p.m.) the Senate took a recess until tomorrow, Tuesday, September 13, 1966, at 11 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate September 12 (legislative day of September 7), 1966:

TRAFFIC SAFETY ADMINISTRATOR

William Haddon, Jr., of New York, to be Traffic Safety Administrator. (New position.)

NATIONAL MEDIATION BOARD

Howard G. Gamser, of New York, to be a member of the National Mediation Board for the term expiring July 1, 1969. (Reappointment.)

CONFIRMATIONS

Executive nominations confirmed by the Senate September 12 (legislative day of September 7), 1966:

U.S. ARMY

The following-named officer to be placed on the retired list, in grade indicated, under the provisions of title 10, United States Code, section 3962:

To be general

Gen. Paul DeWitt Adams, O17306, Army of the United States (major general, U.S. Army).

U.S. NAVY

To be vice admiral

Rear Adm. Allen M. Shinn, U.S. Navy, having been designated, under the provisions of title 10, United States Code, section 5231, for commands and other duties determined by the President to be within the contemplation of said section, for appointment to the grade indicated while so serving.

ATOMIC ENERGY COMMISSION

Carl Walske, of New Mexico, to be Chairman of the Military Liaison Committee of the Atomic Energy Commission.

EXTENSIONS OF REMARKS

The President's Anti-Inflationary Program Deserves Full Support

EXTENSION OF REMARKS

OF

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1966

Mr. REUSS. Mr. Speaker, President Johnson's economic message of last week offers us a way to check inflation before it gets out of hand, and at the same time to continue and broaden our prosperity.

A first recommendation is that the 7-percent investment tax credit be suspended for 16 months. This is precisely in accord with the recommendation of the Joint Economic Committee of last March:

We should immediately suspend the 7-percent investment credit provision in view of the extraordinary exuberance indicated by investment programs. This is one of the major inflationary threats of this year. This action should be accompanied by a provision that the 7-percent credit would go back into effect at a fixed future date unless Congress acts to extend the suspension.

The House Committee on Ways and Means, and its chairman, the gentleman from Arkansas [Mr. MILLS] have today commenced hearings on the President's tax recommendations.

Another important recommendation of the President is to the Federal Reserve Board and to the banks to lower interest rates. The suspension of the

tax credit, and the curtailment of Federal expenditures, will reduce the demand for credit. Lower interest rates can and must follow.

Banks have recently been making the headlines by raising their interest rates. We would all welcome some new headlines bearing the news that banks are now lowering their interest rates.

President Johnson also said:

We ask the cooperation of employers and unions in maintaining price and wage policy consistent with stabilization.

The administration's wage-price guideposts, after the airline machinists' wage settlement and the steel price increase, are admittedly sick. But reports of their demise, as Mark Twain once said of reports of his own death, are greatly exaggerated. The House Committee on Government Operations is today holding hearings on how to revise and reinvigorate price-wage guideposts.

The President's program deserves wholehearted support.

The 4-H Clubs Render Great Service to America

EXTENSION OF REMARKS

OF

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1966

Mr. BRAY. Mr. Speaker, one of the most refreshing and encouraging youth movements in the United States today is in the 4-H Clubs. Frequently, it seems that all we hear and read about American young people concerns only those who engage in violently antisocial behavior that is at odds with all the values and traditions of our society. In contrast to the whining and complaining of the self-appointed "rebels without a cause" 4-H work is a glowing and welcome change.

The 4-H club work is justly famous for instilling into members the highest qualities of, and appreciation for, work, perseverance, standards of excellence, thrift, and competition. There is not a community in the country that does not recognize this, or benefit from it. It is always especially gratifying to see the extensive and well-deserved coverage given to local, county, and State 4-H activities by the press and other news media.

Special mention must be given to the county home demonstration and agricultural extension agents, who give so freely and willingly of their time and skill to assist and advise the local clubs. A really good 4-H organization stands or falls with these people and their services are invaluable.

The 4-H projects are numerous and cover many fields. The 4-H competition ranges from within the clubs themselves to local, county, and State contests. No one can estimate the time and work and care that goes into 4-H projects, but the end result, in making better citizens, is always evident.

We all owe these young people our gratitude and recognition. As they become older and assume their responsibilities as adult citizens, we can be sure the future of our country is in good hands.

Payments to Dentists for Insurance Claims

EXTENSION OF REMARKS

OF

HON. JAMES KEE

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1966

Mr. KEE. Mr. Speaker, I have today introduced in the House of Representatives H.R. 17638, a bill which will make mandatory the inclusion in health insurance policies issued by companies doing interstate business, a provision requiring that payments shall be made under these policies to doctors of dental surgery, doctors of dental medicine, and oral surgeons for the performance of surgical procedures where the contract permits payment for these procedures to a doctor of medicine.

Unfortunately, some insurance contracts have been narrowly construed by the companies issuing them so that necessary surgical procedures involving the mouth and jaw of affected patients have to be performed by a medical doctor, and if performed by a dentist, no payment is made. In my opinion, this unnecessarily restricts the freedom of choice of patients, and should not be permitted.

This problem has been met in California by a supreme court decision interpreting a health insurance contract so as to include within the term "medical doctor," a dentist when performing surgical procedures otherwise covered by the contract.

North Carolina and West Virginia have passed legislation similar in purpose to my bill.

These surgical procedures consist of fractures of the jaws, biopsies of the tissues of the mouth and jaws, tumors, and cysts of the mouth and jaws, frenum operations, incisions in and about the mouth for acute infections in the soft tissues and jaw bones, surgery for correction of deformities and malrelation of the jaws, X-rays of the teeth and jaws, avulsion of branches of the fifth nerve in cases of tic douloureux, removal of salivary stones, correction of dislocation and disturbances of the maxillary condylar joint, alveoplasty and stomatoplasty of the mouth, incisions of the tongue, lips and palate, and so forth.

There are good national precedents for this legislation; namely, the Federal Employees Health Benefit Act of 1959—Public Law 86-382, S. 2162, September 28, 1959—and the recent Health Medicare Insurance Act—Public Law 89-97, H.R. 6675, July 30, 1965.

In the Government-wide indemnity benefit plan, covered by Aetna and other associated insurance companies, under the heading "Definitions of Terms Used in This Brochure," is the following wording:

Doctor is a duly licensed doctor of medicine (M.D.) or a duly licensed doctor of osteopathy (D.O.). The term includes surgeons and other specialists if they meet this definition. A duly licensed dentist is also considered a "doctor" for purposes of the dental work and oral surgery covered by the Plan, and a duly licensed podiatrist (chiropodist) is considered a "doctor" for purposes of the foot conditions covered by the Plan. Types of practitioners not specifically mentioned above are not considered "doctors" for purposes of this Plan.

In the Government-wide service benefit plan, administered by Blue Cross and Blue Shield, under the title "Definitions of Terms Used in This Brochure," is the following wording:

Physician is a doctor of medicine (M.D.) or doctor of osteopathy (D.O.) who is legally qualified and licensed to practice medicine and perform surgery at the time and place the service is rendered. For services covered by the Plan, doctors of dental surgery (D.D.S.), doctors of medical dentistry (D.M.D.), and doctors of surgical chiropody (D.S.C.), when acting within the scope of their licenses, are deemed to be physicians. No practitioners other than those specified above shall be deemed to be physicians for purposes of this Plan.

In Public Law 89-97, under Title I: Health Insurance for the Aged and Federal Assistance and subheading "Physician," is the following wording:

(r) The term "physician." when used in connection with the performance of any function or action, means (1) a doctor of medicine or osteopathy legally authorized to practice medicine and surgery by the state in which he performs such function or action (including a physician within the meaning of section 1101(a)(7), or (2) a doctor of dentistry or dental or oral surgery who is legally authorized to practice dentistry by the state in which he performs such function but only with respect to (A) surgery related to the jaw or any structure contiguous to the jaw or (B) the reduction of any fracture of the jaw or any facial bone.

This definition with respect to physician has been upheld by the supreme court of some States—notably a ruling by the Arizona State Supreme Court regarding the right of a dentist to administer a general anesthetic, wherein the court ruled that in fact a dentist was a physician.

It is my understanding that considerable attention is now being given this matter of vital importance by several States.

Deductible Expenses for Teachers

EXTENSION OF REMARKS

OF

HON. WILLIAM L. ST. ONGE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1966

Mr. ST. ONGE. Mr. Speaker, the bill I am introducing today provides for amending of the Internal Revenue Code to allow teachers to deduct from their gross income the cost of pursuing courses

for academic credit and degrees at institutions of higher education, as well as for certain travel resulting therefrom.

The Department of the Treasury has allowed such deductions as a matter of policy since 1958. However, in July of this year, the Internal Revenue Service issued regulations which could substantially limit this practice.

Goals such as teacher training and the raising of educational standards are by definition desirable. With the severe demands on the budget, these goals, unfortunately, cannot always be met. Nevertheless considerable assistance can be given to attaining them through this type of legislation. Thus, by providing various forms of tax relief we are encouraging and making possible the improvement of professional backgrounds by individuals who are, for the most part, financing their own education. The loss to the U.S. Treasury, by allowing these deductions, will be minimal, and yet at the same time we can get better trained teachers for far less money than if their training had to be subsidized with public funds.

Mr. Speaker, I strongly urge action on this bill during the current session of Congress so that our teachers and our educational system may benefit from it. Certainly our children, even if indirectly, stand to benefit from it.

Agriculture Department Ignores "Small Farmer"

EXTENSION OF REMARKS

OF

HON. E. Y. BERRY

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1966

Mr. BERRY. Mr. Speaker, the Department of Agriculture has ignored one of its most important jobs, which is to get the income of the small farmer up to a decent level, not drop the family farmer as an economic liability.

I quote a statement made by the Assistant Secretary of Agriculture, John A. Schnittker, that "Federal farm policy is aimed at achieving parity income for adequate size commercial farms, not necessarily for small farms."

Schnittker defined as "adequate" those farms grossing over $10,000 a year in sales.

This statement is typical of the abuse and misuse which the administration has made of the agricultural segment of the Nation's economy.

According to farm census figures just released, South Dakota lost an average of 1,205 farms per year in the period 1959 to 1964.

It is very apparent that the Johnson-Freeman administration is ready to ignore the family farmer completely. The long-range plan for the American producer evidently does not include 29,000 South Dakota farmers—or more than 58 percent of them—whom the Department considers as "small famers."

The Secretary of Agriculture should denounce this irresponsible statement and take effective action to reverse this record of failure and neglect which the statistics clearly reveal.

You Can't Dilute Our Water Problems

EXTENSION OF REMARKS

OF

HON. JOHN A. BLATNIK

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1966

Mr. BLATNIK. Mr. Speaker, few men have been more dedicated to the cause of clean water than our colleague, the distinguished gentleman from Utah, Senator FRANK E. MOSS.

I am most proud to include his both informative and timely speech at the 1966 Water Quality Symposium in Montreal, Canada.

It is addresses of this caliber that should be shared and lived up to by all of us.

The address follows:

YOU CAN'T DILUTE OUR WATER PROBLEMS

(Speech of Senator FRANK E. MOSS, Democrat, of Utah, 1966 Water Quality Symposium, Montreal, Quebec, Canada, August 24, 1966)

There can be little question about "The Role of Man in Water Quality" in this year of 1966.

Man is the villain.

But it certainly would be some kind of villainy for me to ignore the fact that you people in attendance at this Water Quality Symposium have long been in the business of correcting what nature also does to water. The vast despoiling of the quality of our water has not been due to man alone.

What changes time has wrought in the water conditioning business! It must be fascinating for those of you who have been long in this business to look down through the years. The Corporal's Guard which set out to mobilize a sustained attack on water pollution has gathered so many recruits that they jostle one another. And all have now become part of a great army which includes important segments of the Federal government, of the government of every state of the union, of many of our counties and our cities, and of some new government entities in the form of interstate compact forces and intrastate utility districts. Your allies encompass much of the world's industry and many of its sovereign governments.

You members of the Water Conditioning Association, International, both founders and freshmen alike, can take great satisfaction in the extent to which you helped nourish the body of technology on which we are now basing our great drive to rid our lakes and rivers of pollution.

The first Water Quality Symposium which the Association sponsored in Washington last year was, I believe, something of a capstone event in the development of the water conditioning industry. It was also a benchmark in water resource care because it dealt with such a range of problems in water treatment and utilization.

The program for this year's meeting in Montreal reflects the full breadth of competence of the members of this worldwide association. I can think of no more significant bond of interest among the score of nations represented here today than constructive concern for water quality. I am grateful for the opportuntiy to speak to this distinguished group on a subject which is of such critical importance to every country of the world, to Canada, to the U.S., and all of our friends, and especially to my home state of Utah.

But water is critically important not just in arid parts of the world, where every drop of water must be weighed to determine its highest order of possible use. Water is also critically important to those countries and areas where water is so plentiful it is used in the grossest ways—say as a transport and treatment vehicle for raw sewage and industrial waste products.

It is tribute to our host country today that while it has more of the earth's supply of fresh water than any other country, it also has one of the world's most aggressive and progressive water resource care and development programs.

This is my second appearance this summer in Canada, actually in La Belle Province of Quebec. Early in June, I had the great honor of speaking at the University of Sherbrooke at the Water Resources Symposium sponsored by the Royal Society of Canada.

It was my pleasure to appear that day on the same platform with one of Canada's great patriots, the late General A. G. L. McNaughton, soldier, statesman, diplomat, builder of his country and defender of it in peace as well as war.

His untimely passing last month was a great loss to Canada, to his many friends and admirers in the United States, and to the continent-wide community of people interested in the preservation of the great natural resources of North America. General McNaughton had served for many years as Canadian Chairman of the International Joint Commission, which has, under a 57-year-old treaty, jurisdiction over the boundary waters shared by Canada and the United States.

When General McNaughton spoke on the subject of water resources, he spoke with authority, but he also spoke with the fervor and high-minded motivation of a true Canadian who loved every river and mountain and every lake and plain. I felt the loss of his death particularly because I hoped at Sherbrooke we were laying the foundation of a constructive understanding of mutual objectives in the preservation and development of the water resources of both our countries.

He always laid great stress on the importance of taking better care of the water at hand before looking across hills or across borders for new supplies. He would be at home in this audience.

It seems to me that the essence of your business philosophy, the motto of your industry, if you will, is, "Make the most of what you have." Your business has always been one of tailoring or conditioning the water at hand to meet the need at hand.

I wonder if you have ever thought about how basic and fundamental this approach to the water problem really is. It must be, it has to be, the starting point of all water resource care and development.

The care of the soil and the water producing areas of our world, the places where nature deposits water by means of her fantastic desalting and transport system, is a priori and actually the beginning of all water supply measures. Conservation is necessarily the foundation of water resource development.

If we take care of the water-producing areas, if we cooperate with nature in the care and cultivation of the fields which she has selected for the purpose, we can harvest the water crop on a sustained yield basis. If we fail to take care of the water-producing areas, then we commit ourselves to destruction as surely as the night follows the day. It is only a question of the time.

As far as our cooperation with nature is concerned, man has no choice in what he does with water if he wants to continue to live. But if we can assure ourselves of a continuing water harvest, then we can make some choices as to what we do with it. In other words, we can decide how we use the crop.

All of the harvest must eventually find its way back to the sea, or otherwise rejoin the constant circulation system by which nature keeps this planet livable. Our choices come in what we do with the water in its available fresh state, that is, between the time nature deposits it by precipitation and the time it gets back to the sea.

Reason, logic, economics and, yes, survival itself tell us we should make the most of it. Water is precious stuff.

The trouble is, for too long and too often, we have isolated economics from the other rules—from the compelling logic of taking care of the means to live.

Another tenet of water management—a convenient term which covers everything constructive we want to do with water—flows from or underlies your philosophy of making the most of what you have. It is this: Don't use water when you don't have to.

In closing my talk at Sherbrooke, I said, and I quote, "The total amount of moisture in the earth life support envelope is fixed and constant; the number of people to use it is not. Their numbers expand, their uses change and increase, their modes of travel, their industries and their residences shift."

My point then was that Canada and the United States should approach the solution to the problem of water supply vs. water demand together instead of separately. The fact applies even more precisely and imperatively to the point of our discussion here today. Care and proper treatment of the water at hand is the first step of water resource development to meet man's changing needs. That is your business.

The fact that the amount of water is fixed and the demand is not fixed is the starting point for everything we do about water.

The first guidepoint after that is the fact that water plays a critical role in situ, that is, in its place in nature. Water in place, in nature's place, is a key element in the preservation of the surface of the earth, in making our environment livable.

Water sustains the vegetation which holds the soil which supports life. Water helps to regulate the temperature and humidity of the atmosphere and makes it hospitable to life.

The cost of restoring the quality of our waters makes one thing clear in a growing urbanized society. The use of water as a low cost transporter of untreated domestic and industrial waste is a sorry exercise in economics.

Using water in a fashion that ruins it for other uses, then returning it untreated to nature's circulation system, may produce meat for some men but it is poison for others.

Heating a stream to a point that kills the fish may be justifiable power economics, but it doesn't make sense otherwise.

The point of all this is that there simply isn't enough water to keep on using it the way we have in the past.

On the other hand, there will be plenty of water if we take care of it. But we can't continue the typical pattern of urban and industrial water use—or abuse—in North America even if we learn how to make it rain when and where we want, and learn how to take the salt out of the sea at such a profit on the salt we get the water for nothing.

Neither can we continue the pattern of strip mining, strip timbering, strip grazing, and asphalt and concrete recarpeting of our earthly home.

And we must not be trapped into thinking that there is an easy cure to all the illnesses of water abuse by just finding some more water.

Now, we all know that dilution is an accepted technique of treatment and an effective aid to nature in her process of purification. We know more water is very beneficial and necessary sometimes in order to speed the clean-up of a bad situation. And, of course, power can be generated and water transportation can be extended by massive transfer schemes, but we must also realize that all of these benefits will themselves be diluted and diminished if we fail to do the clean-up job first.

Let me cite an example. You all know the condition of Lake Erie. You know that this important artery of commerce, the shallowest and smallest of the Great Lakes, is so polluted that its waters cannot support any aquatic life. People who live along Lake Erie's shore swim in it at great peril.

Now, there are a number of plans for adding water to the Great Lakes, one developed in America and several in Canada. It appears from initial studies that these plans are engineeringly sound. It seems completely practical and economically within reason to add water to the Great Lakes, enough water to maintain optimal levels in the lakes themselves and optimal flows through the Niagara and the St. Lawrence—enough to assure full depth in the harbor of Montreal and capacity power generation in the St. Lawrence.

It would not, however, make sense to embark on any plan for augmentation of the Great Lakes until we have started to reduce measurably the pollution of the Lakes, or at least reduce the rate of input of pollutants.

This will cost many billions, but we are going to do it. The water pollution control program established by the U.S. Congress under the leadership of such men as Senator Muskie of Maine and Representative Blatnik of Minnesota, with the full force backing of President Johnson, is going to change the quality of all our waters, including Lake Erie. As I say, it will take money and time, but it is going to be done. Fortunately, the heat of discussion as to the sharing of costs between the polluting industries and the municipalities will not add to the thermal pollution of any of the waters due for treatment.

Now that we have gotten a start on cleaning up the water courses which are so important for the distribution of water to the places where we need it, we can begin true long range planning for the maximum production and most efficient utilization of the total water harvest.

One imaginative distribution plan is the continent-spanning NAWAPA concept. The initials stand for North American Water and Power Alliance. There is no such thing today, of course, but the name put on the project by its developers is descriptive of the scope and purpose of a water system which could serve Canada, the United States and Mexico.

As of now, the NAWAPA concept consists of some preliminary engineering reports by The Ralph M. Parsons Company providing a reasonable demonstration of continent-wide water resource planning. For the first time, I believe, it treats the North American continent as a whole. Water resource planning up to now has been done by region or by river basin. We just didn't look over the hill. The Water Resources Planning Act of 1965 even has a prohibition against interbasin transfers of water. Such a restriction eventually must be lifted, but it is a symbolic carryover of our past thinking. The water problem is a challenge to our ingenuity and skill, both technical and political.

The Parsons approach to the problem is to collect between 15 and 20 per cent of the unused runoff waters of the north, water now flowing into the North Pacific, the Bering Sea, the Arctic Ocean, and Hudson Bay. This water would be combined with the carefully husbanded waters from currently producing areas of the Northwest, from the Northeast and Appalachia and from the Great Lakes and contiguous basins. We would then have a kind of continent-wide grid system serving directly one territory and seven provinces of Canada, thirty-five states of the U.S., and three states of Mexico.

Now, before we start designing a system which promises to solve both the high and low water problems—including supply, power, and navigation—of the Columbia, the Great Lakes, and the St. Lawrence, and to provide the arid west of the U.S. and Mexico with much needed water, there are three tough questions to be answered.

The first one is the easiest, but may take five to ten years to answer. It is to check out on the ground in Canada, the U.S. and Mexico, what the Parsons engineers have done with maps from their desks and on drafting tables.

The second is the policy question for the Canadians as to whether they want to participate in joint water resource development, and, if so, under what conditions.

The third is the policy question for the Americans as to whether they want to import water by tying into a continental distribution system. I've heard people say the United States shouldn't ever become dependent upon another country for its water.

My position is that we should start work at once gathering the data on which we can base definitive answers. I believe a continental system will emerge as clearly in the best long-range interest of both countries.

Everything we could do for the next five years as a basis for making a decision on a continental water distribution system would be something we ought to do anyway, even if there was no such possibility as the NAWAPA concept. This applies to both Canada and the U.S.

One of the first things to be done, and this may take longer than five years, is for Canada to survey and measure her own water resources. Only after this is done can the people of Canada sensibly approach the question of continental distribution. Regardless of that answer, such a survey would lay the foundation for effective long-range conservation.

The United States needs time to determine how various basins might be interconnected to effect distribution of the imported water, and to push on with the tremendous pollution abatement and conservation programs we have started. We have to do these things whether or not we can make use of now unused waters from the North.

I believe the kinds of studies that should be undertaken for these purposes would make clear to Canada that it would be to her advantage to begin now to conserve and expand the water harvest capabilities of her great northland. I believe such studies will establish water as a sustained-yield crop, part of which can be profitably exported. Related economic studies should show that the earnings from both power and water marketed in the United States can provide developmental capital for Canada's continued economic growth.

The studies we would have to make in the United States in order to participate in a continent-wide resource development program are also the studies we should make to determine full use of our own resources without a continent-wide system.

The place to start any cooperative program, of course, is with the Great Lakes. The Lakes are the center of gravity or the axis of population and economic activity of the continent. The two countries cannot permit the further deterioration of these lakes, the greatest bodies of fresh water on

the face of the earth. I believe we can restore them to health, and make even better use of them than we have up to now. This implies new water. I believe the first studies on how to build a profitable trade in water between the two countries should center on the Great Lakes. What we learn in working out this problem can be applied to the larger problem.

In addition to the NAWAPA concept, a Canadian water plan is drawing increasing attention in the United States. Thomas W. Kierans of Sudbury, Ontario, has presented to several water resource meetings in the U.S. his own scheme for transfer of James Bay water to the Great Lakes. His proposal is not as wide in scope as NAWAPA but it has an intriguing idea for saving fresh water by preventing the mixing of water from rivers flowing into James Bay with the salt waters. Fresh water from reservoirs created by barriers across the estuaries of these rivers could then be pumped back to the Great Lakes.

I don't know whether the system will work or not, but I believe we ought to find out. The federal and concerned provincial governments of Canada could very well come up with a better plan than either of those now before us. I do not believe, however, that they will reject out of hand the proposition that new water may be brought into the Great Lakes with benefits to both the supplying basin and the receiving basin and with advantages to both countries.

The costs, of course, would be shared in accordance with a formula to be worked out, which would take into account the relative commitment of new water and benefits enjoyed by the two countries. I believe the United States should begin the same type of studies within our own borders in order to make sure we are doing our share of the job.

You may wonder why the Senator from Utah would be so interested in the lake studies. It is because I feel the lessons the two countries learn from working together on this mid-continent water quality problem can be applied to the western water quantity problem of bringing Alaskan and other northern waters to the dry areas of Canada, the U.S. and Mexico. We have plenty of work to do in the West to get ready, and to develop the data for important policy decisions of our own, so most westerners will not feel their interests are being slighted if the two governments center their attention first on the Great Lakes.

One point I should make in behalf of the people who are most actively interested in continent-wide distribution systems. There is a very broad endorsement of some of the policy views expressed by Ralph M. Parsons, head of the firm which developed the NAWAPA concept. He has, I am advised, told his staff and associates that he does not want to see the NAWAPA concept promoted and advanced in a way that will encourage anybody to use the prospect of abundant new supplies of clean water from the North as an alibi, that is, as an excuse for delaying the conservation and clean-up job we have to do with the water resources we are now utilizing. It is, I am sure, a position which your industry endorses wholeheartedly.

In the business of tailoring water to need, you have pushed the technology of purification and treatment, and you have taught your customers the savings to be realized by using water sparingly. Your customers can measure the cost of water quality by bills other than their tax bills.

This brings up another lesson we must not let be submerged nor diluted by the prospect of abundant new supplies of water. That is the importance of discipline in the use of water. As populations and economic momentum of both Canada and the U.S. continue to increase, our true water requirements necessarily go up. But this may be quite different from undisciplined demand. The price charged for water may be more important for its control or disciplinary effect than for the revenue produced.

We search always for new supplies. We press development of desalting technology. We investigate weather modification possibilities. We plan imports from distant watersheds, and we are taking better care of watersheds now in use. We are attacking the pollution problem vigorously and are pushing treatment for recycle. There is also a source of new supply, in effect, in the reduced use of water.

This is one of the major objectives of the ten-year program of Federal Water Resources developed by the Federal Council for Science and Technology Committee on Water Resources Research. The Committee emphasized reduction in the use of water for waste carriage.

In most of the West, the biggest requirement for water is for agriculture. The Committee urged acceleration of studies of methods of conserving water in agriculture.

Living in a water-deficient area, we in the West and Southwest feel our water practices are better than in the high precipitation areas of the East. Recurring droughts, however, are forcing changes in attitudes and practices in the East.

It may not be popular to tell people to use less water to help solve the national water problem, but in the long run reduction in per capita use of water will be a very important part of the solution.

In conclusion, I just want to say that people of North America need have no fear of running out of water if they take care of this beautiful piece of earth estate and make efficient use of its bountiful supplies of water. If they don't then they need not fear anything else.

Beef Import Flood Goes Unchecked

EXTENSION OF REMARKS

OF

HON. E. Y. BERRY

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1966

Mr. BERRY. Mr. Speaker, with beef imports soaring to 100 million pounds in June, the highest monthly rate in 3 years, immediate action is necessary by the Department of Agriculture to impose restrictions to avoid price decreases.

This rapid jump will push yearly beef imports to the same level that triggered the disastrous 30-percent decline in domestic beef prices in 1963.

If the June pace continues, imports will reach 977 million pounds or far above the level which automatically triggers quotas at 890 million pounds.

The Secretary of Agriculture must not sit idly by and permit the bottom to fall out of the market before acting. The law, which this Congress passed in 1964, states that the Secretary must impose quotas if estimates indicate the beef flood will exceed the legal limit. Obviously, it is time for this action.

Cattle prices are on the increase and it appears the reason the administration is sitting on its hands on beef imports is to beat down beef prices before the fall run.

The Myth of Crime Being the Province of Any Ethnic Group

EXTENSION OF REMARKS

OF

HON. CHARLES S. JOELSON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1966

Mr. JOELSON. Mr. Speaker, several of my good friends who are Italo-Americans have expressed to me their resentment about the NBC special program on crime in the United States.

I did not see the program myself, but these friends have told me that it concentrated on persons with Italian names almost exclusively. If this is so, I think the network performed a disservice to the public and an injustice to millions of good law-abiding Americans of Italian descent.

I need not dwell at length on the great contributions made by Italo-Americans to the growth and welfare of the United States. For any news medium to libel such a dedicated group of men and women by suggesting that crime is the province of any ethnic group is most unfortunate. We have seen too much of this sort of thing, and I hope it will promptly be terminated as it is contrary to American truth and fairplay.

KOLN-TV's Outstanding Public Service

EXTENSION OF REMARKS

OF

HON. CLAIR CALLAN

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1966

Mr. CALLAN. Mr. Speaker, I want to report to my colleagues about an outstanding program of public service, called Meet the Candidate, that KOLN-TV, channels 11 and 12, Lincoln, and Grand Island, Nebr., televised for their viewers recently.

A. James Ebel, the public-spirited general manager of KOLN-TV, provided nine, one-half hours shows in prime time for the candidate running for the offices of the House of Representatives, the Senate, the Governor, and Lieutenant Governor.

The taped interviews of all the candidates were completed before shown. The candidates were interviewed separately by working members of the press, which included Bob Taylor and Mark Mains of KOLN's news staff. The questions on the issues were objective and incisive. This approach provided insights for the viewers interested in making personal appraisals of the candidates running for the major offices.

The candidate's order of appearance on the station was determined by lot.

This outstanding example of dedicated public service by KOLN-TV helps to keep our democracy enlightened.